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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS ANGOLA VERIFICATION MISSION (UNAVEM II)

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 903 (1994) of 16 March 1994, in paragraph 11 of which I was requested to ensure that the Council is informed regularly on the progress of the talks in Lusaka as well as on the military and humanitarian situation in Angola. Following consideration by the Council of my last report dated 31 March 1994 (S/1994/374) on the United Nations Angola Verification Mission (UNAVEM II), the President of the Council addressed a letter to me dated 14 April 1994 stating the determination of the Council to monitor closely the Lusaka peace talks and asking to be regularly briefed on the matter. Since then, members of the Council have been informed regularly of the progress of the Lusaka peace talks and on developments in Angola.

II. POLITICAL DEVELOPMENTS

2. In his letter of 14 April 1994, the President of the Security Council reaffirmed the importance which the members of the Council attached to a prompt and successful conclusion of the Lusaka peace talks. He stated that the members of the Council believed that it was essential for the Government and the União Nacional para Independência Total de Angola (National Union for the Total Independence of Angola) (UNITA) to approach the remaining issues with realism and the necessary political will. The members of the Council also expressed their concern regarding the continuing outbreaks of hostilities and their impact on the civilian population.

3. It will be recalled that, in my last report, I informed the Security Council that 12 out of 18 specific principles relating to national reconciliation had been agreed upon at the Lusaka talks. These principles cover, inter alia, concepts such as tolerance, trust, coexistence, pardon and amnesty, as well as concrete questions, including the reaffirmation of the need for security guarantees, freedom of association, freedom of speech and freedom of the press, the independence of the Judiciary, the adoption of the symbols of State and the status of the President of UNITA.

4. The six remaining principles relating to the question of national reconciliation which have yet to be agreed upon are:

(a) UNITA's participation in the management of State affairs;

(b) The future status of "Vorgan" radio;

(c) The re-establishment of State administration throughout Angola;

(d) The return of Government property in the hands of UNITA, and vice versa;

(e) The assumption by UNITA members of Parliament of their seats in the National Assembly;

(f) The provision of appropriate facilities to UNITA, including adequate residences for its senior leaders.

5. Pending agreement on the above-mentioned principles, at the suggestion of my Special Representative, Mr. Alioune Blondin Beye, the Government and UNITA delegations undertook the consideration of the other remaining items of the agenda, namely:

(a) The completion of the electoral process;

(b) The future mandate of the United Nations in Angola and the role of the three observer States of the "Acordos de Paz" (Portugal, the Russian Federation and the United States of America).

6. Consideration of the item on the completion of the electoral process followed the same approach as that applied to the other agenda items. Following an agreement on 20 April 1994 on the general principles pertaining to this question, the discussions focused on the specific principles and on the modalities for the conduct of the elections. The specific principles, of which there were eight, dealt essentially with the conditions under which the second round of the presidential elections would take place, as well as with the applicable legislation. Agreement was reached on all issues relating to this item on 5 May 1994.

7. On 12 May 1994, my Special Representative and the three observer States submitted to the Government and UNITA delegations new proposals aimed at breaking the impasse concerning the six remaining specific principles which had not yet been agreed upon.

8. I met with my Special Representative at Geneva on 8 April and at Johannesburg on 11 May. On his return from Geneva, my Special Representative delivered to President José Eduardo dos Santos a letter dated 8 April in which I urged the Government of Angola to demonstrate the necessary flexibility and political will to ensure a successful conclusion of the Lusaka talks. On the same day, I addressed a letter containing a similar request to the UNITA leader, Mr. Jonas Savimbi.

9. In addition to the question of national reconciliation whose specific principles and modalities are currently the subject of discussion at the Lusaka talks, the future mandate of the United Nations in Angola and the role of the observers and the new mechanism which will be responsible for the implementation of the "Acordos de Paz" and the Lusaka Protocol remain to be agreed upon. It is the view of my Special Representative that the consideration of these issues should not take a great deal of time since a measure of agreement has already been achieved.

III. MILITARY SITUATION AND THE STATUS OF UNAVEM II

10. The second half of March and the first days of April 1994 were marked by an intensification of the fighting throughout the whole territory of Angola. It appeared that Government forces were attempting to consolidate and improve their position in the provinces of Kwanza Norte and Uíge. UNITA, for its part, conducted raids in the central and southern regions of the country, including in Bié, Huíla, Kwanza Sul and Benguela provinces. There were reports, later denied by the Government, that UNITA forces had captured the strategically important town of Chongoroi. In addition, both sides continued active reinforcement, resupplying and repositioning of their forces. UNITA conducted ambushes and small-scale attacks and shelled cities under siege. These military actions resulted in a worsening of the humanitarian situation and in the further restriction of circulation of goods and movement of people.

11. During the second week of April, the intensity and scale of military activities decreased. However, small-scale operations and guerilla-type activities, especially by UNITA, continued. The situation remained unchanged throughout the remainder of April.

12. On 19 April, Malange airport and the city itself were shelled while a World Food Programme (WFP) aircraft was unloading cargo. Humanitarian flights to this city were temporarily suspended, but resumed on 21 April.

13. During May, the military situation remained tense throughout the country, as both the Government and UNITA continued to conduct military operations in several provinces. Government forces took control over the provincial capital of Kwanza Norte, N'Dalatando. UNITA has also reportedly concentrated troops around Kuito/Bié. As a result of the continuing hostilities, emergency relief flights to some locations have been disrupted.

14. During the period under review, UNAVEM II remained at its reduced strength of 50 military, 18 civilian police and 11 military medical staff, complemented by a small number of political, humanitarian and logistical personnel. In addition to Luanda, teams of military and police observers are deployed in four other locations. Their presence remains an important element in the effort towards a political solution to the crisis. The activities of military and police observers essentially consist of extensive patrolling, monitoring and assessing the military situation, liaising with various officials on the ground and assisting in the delivery of humanitarian aid.

15. While negotiations in Lusaka continued, the Secretariat and UNAVEM II stepped up their contingency planning in anticipation of a comprehensive settlement. On several occasions in the past, the Security Council has reiterated its readiness to take prompt action to expand substantially the United Nations presence in Angola in the event of significant progress in the peace process. In paragraph 13 of my last report to the Security Council (S/1994/374), I outlined the human and material resources which will be required immediately for the start-up phase of an enlarged operation. United Nations specialists have reviewed air support and other special logistic requirements. A demining consultant is currently working on preparations for a nationwide mine clearance programme (see para. 18 below), while public information needs of a possible expanded operation are also being outlined. The guidelines for potential troop-contributing countries have been revised, and a briefing was organized for them at United Nations Headquarters. Planning is also proceeding for a meeting of the Chiefs-of-Staff of the Armed Forces of the Government and UNITA, which is scheduled to take place 10 days after the initialling of an agreement in Lusaka.

IV. HUMANITARIAN SITUATION

16. In spite of the increased military activities in various parts of the country during late March and early April, United Nations organizations and non-governmental organizations (NGOs) continued to implement the emergency humanitarian assistance programme which is aimed at providing relief to all accessible locations. For the first time since the outbreak of the conflict, an evaluation was also carried out of areas to which, for various reasons, access had been restricted. While difficulties continue to be encountered in the delivery of humanitarian aid by land, air deliveries of food supplies have increased. Because of the impending cold season, priority has been given to the delivery of non-food items, particularly blankets, clothing and medicine. In addition to the emergency programme, work has also begun on determining strategies for demobilization, social reintegration and mine clearance programmes as soon as a comprehensive peace settlement is reached in Lusaka.

17. The present United Nations emergency relief programme has three major dimensions. First, while the humanitarian situation continues to improve in those areas which have been receiving food, medical and other types of relief assistance over the last four to six months, regular and substantial relief deliveries are still needed to sustain this improvement. Secondly, momentum has to be further increased to respond to the needs of areas where humanitarian activities are ongoing but are greatly hampered by lack of access by road and other logistical constraints. The situation is critical in the areas of Cubal and Dondo, where conditions are deteriorating daily from the inability to deliver relief supplies because of unsafe roads. WFP was thus obliged in mid-April to undertake air drops of relief supplies into Dondo (the first time that such an operation was carried out in Angola), as an emergency measure to alleviate the food crisis confronting more than 80,000 displaced persons there. Thirdly, the humanitarian needs of recently accessed areas such as Tchindjenje and Balombo, or reassessed areas such as Waku Kungo, must be urgently met. The populations in these locations are on the verge of starvation, and it is very likely that similar conditions will be found in other currently inaccessible

areas in Huíla, Bié, Bengo, Kwanza Sul and Kwanza Norte provinces. Once again, the major obstacles to the delivery of relief supplies and the inability of humanitarian organizations to establish their presence are either lack of security conditions or major logistic problems.

18. Since my last report, work has commenced on the development of a humanitarian programme for future needs which will have to be addressed once a comprehensive peace settlement is reached. A programme manager has been designated to initiate preparations for the setting up of an office which will be attached to the Humanitarian Assistance Coordination Unit and to formulate a mine clearance programme. After consultations among Government officials, UNITA representatives, donors, United Nations organizations, NGOs and local communities, work has begun on an assessment of the extent of the areas in Angola which have been mined and on plans for a mine awareness programme. Initial preparations are under way to devise a strategy for the demobilization and social reintegration of soldiers.

19. The Under-Secretary-General for Humanitarian Affairs visited Angola from 15 to 18 April, and reviewed the ongoing humanitarian operations there and the role of the Department of Humanitarian Affairs. He discussed the expected increase in humanitarian needs in the event a peace agreement is concluded. He travelled to Dondo, Malange and Kuito/Bié to assess the impact of the humanitarian programme there.

20. With regard to the agricultural and food situation in the country, I am expecting shortly a report of the Food and Agriculture Organization of the United Nations (FAO) and WFP Food and Crop Supply Assessment Mission which visited Angola from 21 April to 6 May 1994 to assess cropped areas, yields and total production of cereal crops and to estimate emergency food requirements. It is expected that the harvest in Angola will once again be poor and that an increased number of persons will require food aid during the second half of the year.

21. In response to the Revised Humanitarian Assistance Appeal, donors have contributed a sum totalling 27 per cent of the target of US$ 179 million. An urgent need remains to afford both United Nations organizations and NGOs the means to address the enormous and increasing needs of the Angolan population. I urge Member States to confirm their contributions and accelerate the actual transfer of funds. While United Nations organizations will continue to allocate funds for specific emergency programmes following an eventual peace agreement, quick access to funding will be needed by them to start up humanitarian programmes related to the implementation of the peace agreement. It is essential that the start-up costs of demobilization, social reintegration and the mine clearance programme be appropriated in a timely manner.

V. FINANCIAL ASPECTS

22. The General Assembly, by its resolution 48/241 of 5 April 1994, authorized me to enter into commitments for the maintenance of UNAVEM II for a period of four months beginning on 1 June 1994 at a rate not to exceed US$ 2,098,700 gross (US$ 1,997,000 net) per month. This authorization is subject to the decision to

be taken by the Security Council with respect to the continuation of the Mission. The cost of maintaining UNAVEM II at its current strength for the period beyond 31 May 1994 will be limited, therefore, to the amount authorized by the General Assembly. In the event of changes in the strength and responsibilities of the Mission during the extension period, any additional resources needed will be sought from the General Assembly.

23. The cash flow situation of the special account of UNAVEM II is extremely critical. As at 16 May 1994, outstanding assessed contributions to the special account amounted to US$ 30.3 million. This represents approximately 17.4 per cent of the total amount assessed on Member States since the inception of the Mission through 31 May 1994. In order to provide UNAVEM II with the necessary cash-flow requirements, loans in a total amount of US$ 29 million have been made to the Mission from other accounts, including the peace-keeping reserve fund. These amounts remain unpaid.

VI. OBSERVATIONS

24. Despite the slow pace of progress at the Lusaka talks, I am convinced that the remaining issues relating to national reconciliation can be resolved if both the Government and UNITA approach them with realism and the necessary political will. Of the six specific principles still to be agreed upon, the one pertaining to UNITA's participation in the management of State affairs appears to be the most contentious since it addresses the crucial issue of the allocation of senior Government posts to UNITA, including the governorships of provinces. I therefore wish to reiterate my strong appeal to the Government and UNITA to show the flexibility needed to reach a comprehensive settlement at the Lusaka talks, so that the people of Angola may finally enjoy peace and stability after so many years of conflict.

25. I am extremely concerned at the continued fighting throughout Angola and its heavy toll on the civilian population. The human suffering, and destruction of infrastructure and property, have had a devastating impact on Angolan society. It is essential that all military operations be brought to an immediate halt, that people and goods resume circulation without restriction and that humanitarian activities proceed unimpeded. The Security Council may therefore wish to renew its appeal to both the Government and UNITA to take all necessary steps which would contribute to creating an atmosphere of trust in the Lusaka negotiations. In this connection, I wish to inform the Council that I have, on several occasions, requested President Mário Soares of Portugal to use his good offices with both the Government and UNITA, and he has always responded positively. I wish to express my deepest appreciation for his efforts.

26. In paragraph 5 of its resolution 903 (1994), the Security Council declared its readiness to consider authorizing promptly the increase of the strength of UNAVEM II to its previous level once an agreement has been concluded and conditions are right for the deployment of additional United Nations personnel. Should a Lusaka Protocol be concluded, I very much hope that the Council will be in a position to decide immediately on the strengthening of the United Nations presence in Angola. In this context, I should like to state again that accommodation, transport, commmunications and other logistical resources, as

well as the necessary financial resources, would have to be provided in an effective manner. For the time being, I consider it necessary that the current structure and mandate of UNAVEM II remain unchanged and that the Mission be extended for an additional three months. At the same time, if the Lusaka peace talks do not produce the expected positive results soon, the Council may consider taking appropriate action, including action on the future of the Mission. To that end, I intend to submit an updated report to the Council by the end of June 1994.

27. The United Nations system continues to pay particular attention to the humanitarian situation in Angola. I appeal to the Government and UNITA to give the necessary security guarantees and to refrain from any action that might jeopardize the safety of the staff responsible for the relief operations or disrupt the distribution of humanitarian assistance to the Angolan people. I also appeal to Member States to continue their support for the current humanitarian programme and to be prepared to support the humanitarian aspects of the comprehensive peace agreement currently under negotiation.

28. I should like to pay a tribute to the representatives of the three observer States who have been cooperating closely with and providing all necessary support to the efforts of my Special Representative. I also wish to acknowledge the important contribution of my Special Representative, the Chief Military Observer of UNAVEM II and their staff for the determination with which they have been discharging their tasks and for their exemplary dedication in difficult circumstances.

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LETTER DATED 24 MAY 1994 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Further to my report of 11 May 1994 on the United Nations Observer Mission in El Salvador (ONUSAL) (S/1994/561 and Add.1), I have the honour to inform you that on 19 May the two parties in the El Salvador peace process reached agreement on a new "Timetable for the implementation of the most important outstanding agreements". The text of that timetable is attached.

In connection with the above, I should also like to inform you that in the course of his visit today the President-elect of El Salvador, Mr. Armando Calderón Sol, reiterated to me his personal commitment to the terms of the Peace Accords and his desire to see these accords implemented without delay for the benefit of all Salvadorians.

I should be grateful if this information could be brought to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex

[Original: Spanish]

TIMETABLE FOR THE IMPLEMENTATION OF THE MOST IMPORTANT AGREEMENTS PENDING

19 May 1994

Armed Forces

1. The 289 weapons registered as belonging to the Armed Forces of El Salvador in the possession of penitentiaries and 11 of the 45 that are in State institutions shall be collected and replaced, in compliance with the Law for the Control of Weapons, Munitions, Explosives and Related Artifacts, by 20 May 1994 at the latest. The Government shall submit a report to ONUSAL concerning the 34 weapons still in the possession of State officials.

2. In view of the entry into force on 11 January 1994 of the Law for the Control of Weapons, Munitions, Explosives and Related Artifacts, and since the two-month period for the voluntary surrender of weapons intended for exclusive use by the Armed Forces of El Salvador in civilian hands has expired, the Government, with United Nations support, shall draw up, by 30 May 1994 at the latest, practical measures for the collection of such weapons. These measures may include extension of the period for voluntary surrender of weapons, accompanied by a broad publicity campaign, and the possible purchase of weapons with international financial support.

Public security 1/

3. With a view to ensuring full compliance with the Peace Accords, the parties agree to reschedule the following items pending in the area of public security:

A. Deployment of the National Civil Police

The National Civil Police shall complete its replacement of the National Police, wherever the latter are deployed, with a view to filling the vacancies by 31 January and, at the latest, by 31 March 1995. Following partial deployment in Ahuachapán and Sonsonate by the end of the present month, the replacement of the National Police by the National Civil Police shall be carried out in the following order: La Paz, Cuscatlán, Santa Ana, Ahuachapán and Sonsonate, La Libertad, rural San Salvador and metropolitan San Salvador.

1/ The parties undertake to comply with this complementary agreement without prejudice to their commitments under the remaining provisions of the Peace Accords relating to public security.

The functional deployment of the Border, Environmental and Arms and Explosives Divisions shall begin on 2 June, 1 July and 1 August 1994, respectively. The deployment of all the functional divisions of the National Civil Police shall be concluded by 31 January and, at the latest, by 31 March 1995.

B. Demobilization of the National Police

The demobilization of the National Police shall be concluded by 31 January and, at the latest, by 31 March 1995. The Customs Police shall be disbanded once the Finance Division of the National Civil Police becomes operational, but in no case after that date.

C. Restructuring of the Ministry of the Interior and Public Security

The Government of El Salvador shall establish at the earliest possible time the office of the new Deputy Minister for Public Security. The Deputy Minister shall enjoy autonomy of administration and shall have political responsibility for directing the National Civil Police and the National Public Security Academy. He shall ensure, in particular, appropriate operational and doctrinal coordination between the two institutions.

D. Regulatory machinery

The Government undertakes to appoint the Inspector-General during the month of June 1994. The person appointed shall have legal training and experience, and special knowledge of human rights. The Government shall provide the General Inspectorate with the human and material resources for the proper performance of its duties, and shall ensure that its organic and functional structure are developed in accordance with the rules and that it becomes operational before 30 September 1994.

The Government shall provide the Control and Disciplinary Investigation Units with the human and material resources to enable them to be developed and put into service before 31 July 1994.

Two subcommissioners and the necessary administrative staff shall be appointed to the Control Unit.

The Disciplinary Investigation Unit shall consist of two sections. In the case of the first, dealing with investigation, there shall be appointed one subcommissioner, two sub-inspectors and six sergeants. In the case of the second, dealing with procedure, there shall be appointed one subcommissioner, two sub-inspectors and three secretaries with the rank of sergeant.

The Government shall request the necessary international technical assistance, in coordination with the United Nations, in order to ensure the full

institutional consolidation of the General Inspectorate and the Control and Disciplinary Investigation Units.

E. Irregularities in the National Civil Police and the functioning of the National Public Security Academy

With the collaboration of the Government, the United Nations shall verify, in the National Civil Police, inter alia, the granting of ranks to ex-members of the Special Antinarcotics Unit and the Criminal Investigation Commission and the functioning of the Antinarcotics and Criminal Investigations Divisions, and the assignment of duties to the National Civil Police and the necessary balance between personnel of different origins. In addition, with the collaboration of the Government, the United Nations shall verify, inter alia, the functioning of the Academic Council, the teaching staff, the team of monitors and the recruitment and selection machinery of the National Public Security Academy. It shall also verify the study plans and the disciplinary regime.

In accordance with the results of that verification, the United Nations may, where necessary, make recommendations to the Deputy Minister for Public Security, by 30 June 1994 at the latest, with a view to ensuring that the appropriate corrective action is taken.

F. Measures for promoting additional recruitment to the National Civil Police

F.1. With a view to promoting the admission of qualified civilian personnel to the National Public Security Academy and the National Civil Police, the Government commits itself to the following actions:

(a) To raise the level of grants in the National Public Security Academy, especially those awarded to students at the executive and higher levels;

(b) To establish a specific budgeting system for the National Civil Police;

(c) To establish, without any discrimination on political grounds, cooperation agreements between the National Public Security Academy and non-governmental organizations in such a way as to ensure the active participation of those organizations in the campaign to promote civilian recruitment to the National Public Security Academy of persons so entitled, consisting of verified non-combatants of the Frente Farabundo Martí para la Liberación Nacional (FMLN), providing that all the necessary regulatory requirements are fulfilled.

F.2. If, despite the measures described above, the National Public Security Academy is unable to restrict its recruitment entirely to persons who did not participate directly in the armed conflict, the Government may favour the recruitment of members of the National Police to the National Civil Police, subject to the following requirements:

(a) The admission of such persons to the National Public Security Academy may be commenced only after compliance with any recommendations that may be made by ONUSAL as referred to in section E.

(b) This recruitment shall be limited to a maximum of 1,000 agents at the basic level, including technical and administrative personnel.

(c) It shall be carried out in a regular and gradual manner, with full compliance with admission requirements, including approval of the entrance examinations and attendance at and completion of the regular six-months' course at the National Public Security Academy, without prejudice to the independent candidates admitted to the relevant course at the National Public Security Academy.

(d) Before submission of an application for entry to the National Public Security Academy, the conduct of the candidates shall be assessed by a committee composed of the Directors of the National Civil Police, the National Public Security Academy and the National Police, a subcommissioner of the National Civil Police who did not participate directly in the armed conflict, and a representative of ONUSAL. The committee shall interview each candidate and review the original documents submitted by each of them.

(e) The Government shall provide the United Nations with complete lists of the current personnel of the National Police and of the demobilized personnel of the Treasury Police, the National Guard and the Immediate-Reaction Infantry Battalions.

G. Verification

The United Nations shall verify compliance with this agreement, for which purpose it shall have unrestricted access to all documentation and information that it might request from the competent authorities.

Land-transfer programme

4. The Government shall institute the measures provided for in the second phase of the Acceleration Plan which it has submitted, including the amendments agreed to in the Joint Working Group. In the light of the financial commitments undertaken by the international community, the Government has decided to proceed concurrently with the transfer of land to beneficiaries verified by the Office for Agrarian Coordination, and to the list of landholders submitted by FMLN on 13 April 1994. In order to accelerate the execution of the Plan, which shall be concluded by 30 April 1995, the parties agree to take the necessary steps to achieve approval of the legislative decree embodied in it, within the shortest possible time.

5. The Government shall put forward a special scheme for the transfer of land in the rural human settlements of Morazán and Chalatenango in the Joint Working Group on land, within 15 days after FMLN has provided the relevant information.

Reintegration programmes

6. The Government shall implement the reintegration programmes by the dates laid down by the General Coordination Bureau and shall ensure its efficient functioning (see note D.d. in annex II).

7. Within the normal guidelines and programmes, the Government shall implement programmes of basic and middle-level education for the 800 young persons who were under 16 years of age on 1 February 1992, with the support of food programmes, and shall appeal to international organizations for additional sets of tools. If the beneficiaries do not want a formal education, appeals shall be made to the European Union and the Gesellschaft für Technische Zusammenarbeit, for support to vocational programmes. These programmes must be drawn up by 30 June 1994 at the latest.

8. The Government, as part of its overall budget for 1995, shall propose to the Legislative Assembly the opening of a budgetary item entitled "Fund for the Protection of Wounded and War-disabled as a Consequence of the Armed Conflict".

Recommendations of the Commission on the Truth

9. The Government shall promote the necessary action, by 30 May 1994, at the latest, to enable the Legislative Assembly to approve, at the earliest possible date, the legislative measures set forth in annex I, which shall reflect the relevant recommendations of the Commission on the Truth.

10. The Government shall take the necessary measures to ensure that the Legislative Assembly approves the instruments of ratification of the international human rights instruments, on the basis of the recommendations of the Commission on the Truth. (See annex I.)

Follow-up

11. The parties and the United Nations shall hold tripartite meetings every two weeks in order to follow up the actions described in this timetable and its annexes.

ANNEX I

a. Draft laws submitted to the Legislative Assembly for its approval:

1. Reform of the Code of Criminal Procedure in order to lay down the basic principles to be followed in procedures for arrest;

2. Elimination of extrajudicial confession (embodied in the constitutional reform recently approved, which required ratification);

3. Reform of the Code of Criminal Procedure in order to reduce administrative detention to 24 hours;

4. A draft law on penitentiaries.

b. Draft laws to be submitted to the Legislative Assembly:

1. A new Penal Code;

2. A new Code of Criminal Procedure;

3. Reform of the rules for provisional detention and release on bail during the proceedings;

4. A draft law on habeas corpus.

c. Laws now being drafted in the context of the judicial reform being instituted by the Ministry of Justice:

1. Repeal of the 1886 Law on the Police and, as a consequence, replacement of police jurisdiction over minor offences, which shall be assigned to justices of the peace;

2. Regulations on house searches;

3. Rules of conduct for police detention, in accordance with the Code of Conduct adopted by the United Nations;

4. Measures to secure compliance with procedural deadlines (the Government states that they are envisaged as part of the draft new Code of Criminal Procedure).

d. Draft laws the formulation of which is currently in the preliminary stage:

1. A new law on the judicial profession, including provisions on the decentralization of powers of the Supreme Court of Justice;

2. Measures to render effective the recourse to amparo;

3. The establishment of a special procedure for rendering effective material compensation for victims of human rights violations (the

Government states that this is envisaged as part of the draft new Code of Criminal Procedure);

4. The creation of a fund for the compensation of victims of human rights violations (the Government has informed the Secretary-General with a view to obtaining the assistance of the international community).

e. Ratification of international instruments:

1. Signed by the Government and not yet submitted to the Legislative Assembly:

- Optional Protocol to the International Covenant on Civil and Political Rights;

2. Submitted by the Government and approved with reservation by the Legislative Assembly:

- United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Submitted by the Government and awaiting approval by the Legislative Assembly:

- Optional Protocol to the American Convention on Human Rights (San Salvador Protocol);

- Convention on the Political Rights of Women;

4. Not submitted by the Government to the Legislative Assembly as being considered contrary to the Constitution, or for other reasons:

- Conventions Nos. 87 and 98 of the International Labour Organization;

- Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes against Humanity;

- Inter-American Convention to Prevent and Punish Torture;

- Acceptance of the compulsory jurisdiction of the Inter-American Court of Human Rights established under the American Convention on Human Rights.

FMLN considers that all the above instruments, which are included in the recommendations of the Commission on the Truth, should be ratified.

ANNEX II

Action arising from the Peace Accords which should be concluded

Land-transfer programme

a. The Government shall take the appropriate steps to ensure that Decree No. 385 remains in force until the land-transfer programme has been finalized. Decree No. 403 shall also remain in force.

b. The land credit certificates may, if necessary, be extended beyond 30 April 1995, as agreed in the Joint Working Group.

c. The Government shall complete the formalities for the transfer of the 17 properties pending among those provided for in the Agreement of 3 July 1991 by 30 June 1994 at the latest. To that end, the Government, through the Salvadorian Institute for Agrarian Reform, shall continue the relevant negotiations, in which the landowners, the beneficiaries and ONUSAL shall participate, by 30 May 1994 at the latest.

d. The Government shall facilitate verification by the United Nations of compliance with the constitutional principle governing the allocation of surplus land from properties that exceed 245 hectares.

Integration programmes

Ex-combatants of FMLN and landholders

a. The Government shall guarantee access by the beneficiaries of the land-transfer programme to agricultural and livestock credit.

Ex-combatants of the Armed Forces

b. Demobilized members of the Armed Forces shall continue to be compensated, as laid down in the Peace Accords and in compliance with Decree No. 784 approved by the Legislative Assembly and the agreement of 23 March 1994, by 15 June 1996 at the latest.

Disabled

c. Until the approval of the special budget for the operational stage of the Fund for the Protection of Wounded and War-disabled as a Consequence of the Armed Conflict, the Government shall ensure the provision of funds to meet their most urgent needs.

Table of reintegration programmes

d.

13 May 1994

Timetable for reintegration of FMLN

Programme	Starting date	Ending date	Length	Activity
Credit for microbusinesses	21 Feb. 94	31 Oct. 94	8 months	Drawing up of profiles
Technical assistance	15 May 94	15 Dec. 95	19 months	Provision of credit Technical assistance for profiles and projects
Agricultural and livestock credit	28 Feb. 94	31 May 94		Disbursement of credit for crops and livestock production in winter
	28 Feb. 94	31 Aug. 94		Approval of remainder of requests for credit
Technical assistance I	1 Apr. 94	31 May 94	2 months	Consultancy services for credit
Technical assistance II	1 May 94			Start of technical assistance*
Programme for middle-level leadership (plan 600)	15 Feb. 94	31 Aug. 94	5.5 months	Drawing up of profiles of credit projects
	1 Mar. 94	30 Sep. 94	7 months	Analysis of request and granting of credit
	15 May 94	31 Jan. 95	7 months	Provision of consultancy services for setting up microenterprises
		15 Jun. 94		Provision of funds to provide credit for housing
	15 Jun. 94			Start on operational provision of credit for housing
Scholarships	13 Aug. 93	Aug. 98		Granting of scholarships
Emergency housing (UNDP)	Nov. 93	30 Jun. 94	7 months	Completion of construction process, first phase
(UNDP)	Jul. 94	May 95		Second phase of programme
(SAN/HABITAT)	15 Dec. 93	30 Jun. 94	6.5 months	Delivery of sets of building materials
Permanent housing	Jun. 93	Jun. 95	24 months	Construction of permanent housing
Medical care	Nov. 92	30 Jun. 94		Administrative closure AMED**

Note: It should be understood that any change in the starting date will cause a corresponding change in the date for the conclusion of the programme.

* Executed by the National Centre for Agricultural and Forestry Technology (CENTA) and non-governmental organizations.

** Programme of medical care for the disabled.

Urban human settlements

As agreed at the tripartite meeting of 8 September 1993, and as soon as COPAZ has carried out a census of 621 units, the Government shall conduct the corresponding study in order to solve the problem, which shall be submitted to ONUSAL by 30 June 1994 at the latest. The parties and the United Nations shall make efforts to encourage the international community to participate in the financing of the solution chosen.

Forum for Economic and Social Consultation

The parties shall exercise their best offices to have the Forum reconstituted by 30 June 1994 at the latest, since it has not completed the tasks assigned to it, yet they continue to be necessary for the stability and economic development of the country.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/613
25 May 1994

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling its resolution 637 (1989) of 27 July 1989,

Recalling also its resolutions 693 (1991) of 20 May 1991, 714 (1991) of 30 September 1991, 729 (1992) of 14 January 1992, 784 (1992) of 30 October 1992, 791 (1992) of 30 November 1992, 832 (1993) of 27 May 1993 and 888 (1993) of 30 November 1993,

Recalling also its presidential statements of 18 March 1993 (S/25427), 11 June 1993 (S/25929), 5 November 1993 (S/26695) and 7 April 1994 (S/PRST/1994/15),

Having considered the report of the Secretary-General of 11 May 1994 (S/1994/561 and Add.1*),

Having considered also the reports of the Secretary-General of 31 March 1994 (S/1994/375) and 4 May 1994 (S/1994/536), on the observation of the electoral process,

Noting with satisfaction the successful completion of the electoral process in El Salvador, despite irregularities that had no impact on the election results as a whole,

Noting with appreciation the continuing efforts of the Secretary-General to support the full and early implementation of the agreements signed by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) to maintain and consolidate peace and promote reconciliation in El Salvador,

Welcoming the Secretary-General's observation that there have been notable advances in the process of national reconciliation, particularly the integration of the FMLN into the political life of El Salvador,

Concerned at the continuing delays in fully implementing several important components of the Peace Accords, including inter alia the deployment of the National Civil Police and the phasing out of the National Police, the questions related to the transfer of lands, the reintegration into civilian society of

ex-combatants and war disabled and several recommendations of the Commission on the Truth,

Noting with satisfaction, in this context, the conclusion, on 19 May 1994, of an "Agreement on a timetable for the implementation of the most important agreements pending" (S/1994/612, annex) between the Government of El Salvador and the FMLN,

Welcoming the commitment of the President-elect of El Salvador, reiterated before the Secretary-General, to comply fully with all Peace Accords and to consolidate national reconciliation as reported in the Secretary-General's letter of 24 May 1994 (S/1994/612),

Welcoming also the work of the United Nations Observer Mission in El Salvador (ONUSAL) and noting its vital importance to the peace and reconciliation process in El Salvador,

Reiterating the necessity, in this as in all peace-keeping operations, to continue to monitor expenditures carefully during this period of increasing demands on peace-keeping resources,

1. Welcomes the reports of the Secretary-General of 31 March 1994 (S/1994/375), 4 May 1994 (S/1994/536) and 11 May 1994 (S/1994/561);

2. Welcomes the fact that both the first and the second round of the elections took place under appropriate conditions in terms of freedom, competitiveness and security;

3. Expresses concern that important elements of the Peace Accords remain only partially implemented;

4. Reaffirms its support for the Secretary-General's use of his good offices towards the early completion of the El Salvador peace process;

5. Calls upon all concerned to cooperate fully with the Secretary-General's Special Representative and ONUSAL in their task of verifying implementation by the parties of their commitments;

6. Urges the Government of El Salvador and the FMLN strictly to comply with the "Agreement on a timetable for the implementation of the most important agreements pending";

7. Requests the Secretary-General, in this context, to keep the Security Council informed, as appropriate, on progress made on the implementation of the above-mentioned Agreement, and to report no later than 31 August 1994 on compliance with its timetable and on other relevant issues including measures undertaken to contain the costs of ONUSAL;

8. Stresses the need to ensure that, under appropriate verification by the United Nations, the police and public security provisions of the Peace Accords are scrupulously observed, in particular the completion of the demobilization of the National Police, as well as the enhancement of the

civilian character of the National Civil Police, in accordance with the timetable agreed by the Government of El Salvador and the FMLN;

9. Urges all concerned to remove all obstacles facing implementation of all aspects of the land transfer programmes, so that they are completed within the timetable agreed by the parties;

10. Stresses the need to accelerate reintegration programmes for ex-combatants of both sides in conformity with the timetable agreed by the parties;

11. Reaffirms the need for full and timely implementation of the recommendations of the Commission on the Truth;

12. Urges all States, as well as the international institutions engaged in the fields of development and finance, to contribute promptly and generously in support of the implementation of all aspects of the Peace Accords;

13. Decides to extend the mandate of ONUSAL until 30 November 1994 in the terms recommended by the Secretary-General in his report of 11 May 1994 (S/1994/561);

14. Requests the Secretary-General to report by 1 November 1994 on ONUSAL, including on the fulfilment and completion of its mandate and on modalities for its progressive withdrawal; and invites the Secretary-General, in consultation with competent specialized agencies, to prepare modalities for assistance to El Salvador, within the framework of the Peace Accords, for the post-ONUSAL period;

15. Decides to remain seized of the matter.

UNITED
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Security Council

Distr.
GENERAL

S/1994/614
24 May 1994

ORIGINAL: ENGLISH

FURTHER REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OPERATION IN SOMALIA SUBMITTED IN PURSUANCE OF PARAGRAPH 14 OF RESOLUTION 897 (1994)

I. INTRODUCTION

1. In paragraph 14 of its resolution 897 (1994) of 4 February 1994, the Security Council requested the Secretary-General to submit to it, as soon as the situation warranted, and in any case in good time before 31 May 1994, a report on the situation in Somalia and the implementation of the resolution. After the adoption of resolution 897 (1994), the political process for national reconciliation in Somalia gained new impetus. The present report covers developments concerning that process, as well as progress achieved by other programmes of the United Nations Operation in Somalia (UNOSOM II) in helping to restore peace and stability in Somalia.

II. POLITICAL DEVELOPMENTS

2. On 8 March 1994, Admiral Jonathan Howe completed his tour of duty in Somalia as my Special Representative, having overseen the establishment of UNOSOM II and steering it through a difficult phase of the operation. Following his appointment as the Acting Special Representative, Ambassador Lansana Kouyate launched an initiative to normalize the relationship between UNOSOM II and the Somali National Alliance (SNA), while maintaining contacts with the Somali Salvation Alliance (SSA) or Group of 12. The tone of the meetings reflected the intention of both sides to re-establish dialogue and to work out concrete arrangements, for example for security in Mogadishu, including reactivating the Police Committee, and for a cease-fire in Lower Juba. The points of contention between SNA and UNOSOM were discussed at length and understandings were reached on them, which facilitated normalization of the relationship between UNOSOM and SNA.

3. Soon afterwards, in response to the deteriorating security situation in Kismayo, UNOSOM made every effort, within the context of its new mandate, to stop the serious inter-factional and inter-clan fighting that had erupted there. In mid-February, my Acting Special Representative travelled to Kismayo, Bossasso, Bardera, Nairobi and Addis Ababa, in addition to holding meetings in

Mogadishu, for consultations with the Somali leaders connected with the conflict. The immediate objective was to induce them to stop the fighting. He was able to persuade them to meet at Nairobi on 15 March 1994 for consultations with the objectives of securing agreement on the indefinite cessation of hostilities and long-term solution to the problems of Lower Juba. Nairobi was chosen as the venue because many of the key personalities concerned with the Lower Juba region were present there.

4. The timing of the consultations on Kismayo coincided with the return to Nairobi of the Group of 12 leaders from Cairo, where, together with leaders of SNA, they had been invited by President Hosni Mubarak, the Chairman of the Assembly of Heads of State and Government of the Assembly of Heads of State and Government of the Organization of African Unity (OAU). With all the Somali political faction leaders assembled in Nairobi, my Acting Special Representative embarked on an effort to stimulate the national reconciliation process. He succeeded in bringing together political leaders who had not spoken to each other for a long time. The reconciliation process gained momentum once the personal relationship between the political leaders had been re-established. Most importantly, he brought together General Mohamed Farah Aidid, Chairman of SNA, and Mr. Ali Mahdi, Spokesman of the Group of 12, which resulted in a constructive proposal to establish a national Government of Somalia.

5. The two sides finalized a declaration, in the form of a manifesto on national reconciliation, which was signed at Nairobi on 24 March 1994 by Mr. Ali Mahdi and General Aidid, on behalf of the Group of 12 and SNA respectively (see annex I).

6. The Nairobi declaration stipulated that, in order to restore sovereignty of the Somali State, a national reconciliation conference should be convened on 15 May 1994 to elect a President and Vice-Presidents, and to appoint a Prime Minister. The Conference would also complete and review the formation of local authorities, where needed, and establish them, where necessary, as a basis for regional autonomy and respect for community rights.

7. To prepare for the convening of the National Reconciliation Conference, the declaration made provisions for the holding of a meeting of the signatory factions to the 1993 Addis Ababa agreement and the Somali National Movement (SNM) of the north-west on 15 April 1994 at Mogadishu to set up rules and procedures for voting and criteria for participation in the Conference. The meeting would also discuss the ways and means of establishing the National Legislative Assembly, which would be constituted after the formation of the national Government.

8. Among the declaration's general principles, the political faction leaders reached an understanding on the inviolability of the territorial integrity and sovereignty of the Somali Republic; the repudiation of any form of violence as a means of solving conflict and implementation of a cease-fire and voluntary disarmament throughout Somalia; respect for, and preservation of, fundamental human rights and democratic principles; the creation of an atmosphere conducive to brotherly coexistence among all Somalis using traditional channels, cultural and political means; and the rehabilitation and reconstruction of the country after the devastation of civil war.

9. In an appeal, the Somali leaders expressed their gratitude to the international community, particularly the United Nations, aid donor countries and countries of the region for their valuable assistance, and requested the continuation of those efforts until Somalia could stand on its own feet.

10. It should be noted that the Somali political faction leaders are no longer talking about the formation of a transitional national council, as stipulated in the Addis Ababa accords in March 1993. Instead, they are aiming at the formation of a National Legislative Assembly.

11. In principle, the faction leaders have accepted the district and regional councils established to date. They would like however to review a number of them. Two more district councils have been established since my last report, bringing the total to 55, out of 81 districts, excluding the north-west. The total number of regional councils remains at 8, out of 13, excluding the north-west. The establishment of new councils should be accelerated after the successful conclusion of the National Reconciliation Conference.

12. The two meetings scheduled in the Nairobi declaration will be entirely Somali affairs, with a view to finding a Somali solution to the Somali problem. UNOSOM, as it has done in the past few months, will only play the role of facilitator.

13. Shortly before 15 April 1994, the date set for the preparatory meeting, the two signatories of the declaration decided to postpone it to 25 April 1994 to give the political factions more time to conclude the deliberations of the technical committees they had set up. After inter-clan fighting broke out at Merka on 5 April, the Group of 12 took the position that they would not participate in the meeting until the SNA forces withdrew from that town. They were persuaded to relent on this condition, but subsequent inter-clan fighting between two sub-clans of the Hawiye at Mogadishu and the consequent deterioration in the security situation there resulted in some of the faction leaders asking for, among other things, a change of venue. Discussions were held between the two signatories regarding a new date and a new venue. UNOSOM was initially informed of an agreement to postpone the date to 10 May 1994 and to change the venue to Nairobi, but this was not confirmed. In the meantime, General Aidid has returned to Mogadishu.

14. Meanwhile another development had prompted the signatories to choose an even later date. The leaders of SNM of the north-west had responded positively to the invitation issued by the political faction leaders in the Nairobi declaration. Mr. Abdirahman Ahmed Ali, who had been Chairman of SNM before the Boroma Conference which elected a new administration, was in touch with General Aidid and Mr. Ali Mahdi. He declared that the Somali people in the north and south of the country must sit together and resolve the issue in a manner that satisfied the desire and the rights of the people of "Somaliland" to have a separate status, on the one hand, and on the other hand maintained the unity and brotherhood of the Somali people. He announced that the Somali National Movement (SNM) would attend all future Somali reconciliation conferences as it had in the past.

15. To allow sufficient time for SNM to undertake consultations, Mr. Ahmed Ali requested that the political factions' meeting be postponed to 30 May 1994. The response of the signatory factions to the Addis Ababa agreement was generally positive. However, Mr. Ahmed Ali's announcement was rejected by leaders in "Somaliland", including Mr. Mohamed Ibrahim Egal, its "President". Consultations among Somali political factions have since been under way to reach agreement on a new date and venue.

16. The signing of the Nairobi declaration provided an impetus for the signature on 27 March 1994 of an agreement on the process of resolving the situation in Lower Juba. The agreement was signed by members of a joint committee representing SNA and the Somali Patriotic Movement (SPM), and called for a Lower Juba Reconciliation Conference at Kismayo on 8 April 1994. The agreement stated that the principle of reconciliation should be based on dialogue and that all differences and enmities should be settled through Somali ethics and traditions. A technical committee would decide on the number of participants who would come from all the clans of the region. The faction leaders were to ensure and observe a cease-fire as from 27 March 1994; pull out the militias and restrict them to agreed locations; and establish a mechanism to restore both movable and immovable property to its rightful owners and a joint committee to supervise the implementation of the agreement, with the assistance of UNOSOM.

17. The technical committee has been meeting at Kismayo since 10 April 1994 to finalize the criteria for participation in the Lower Juba Reconciliation Conference. It was agreed that 160 representatives of all clans should be selected to participate in the Conference. With the list of clan representatives finalized, the Conference opened at Kismayo on 24 May 1994. Despite the real effort made by both SPM and SNA for the organization of the Conference, there is a threat from SPM/SNA to disturb the process since Colonel Ahmed Omar Jess, its Chairman, did not sign the agenda for the Conference in Nairobi. Meanwhile, fighting erupted at Kismayo on 21 April between two Darod sub-clans creating another obstacle to the general reconciliation process in the region.

18. There have been intra-clan and intra-factional reconciliation efforts in other regions. In February 1994, leaders of two Darod sub-clans and a Digil sub-clan, together with the Chairmen of SPM, the Somali National Front and the Somali Democratic Movement, concluded a reconciliation agreement at Bardera in the Gedo region.

III. SECURITY ISSUES

19. Despite the political reconciliation efforts, national and regional, described above, the security situation in Somalia has been deteriorating. The various factions, in apparent anticipation of an eventual withdrawal of UNOSOM, are making efforts to rearm and have, in particular, resumed the construction of the combat vehicles known as "technicals". In the Kismayo area, a number of factions are contending - without success so far - to gain control of the Lower Juba Valley. As indicated in paragraphs 16 and 17 above, however, the Lower Juba Reconciliation Conference opened on 24 May 1994. On 10 April, the SNA

militia successfully completed its campaign to seize Merka from an SNM faction. At about the same time, the Habr Gdir sub-clan militia, which has close ties with SNA, launched an assault on the Hawadle sub-clan, gaining control of the airport area and its approaches in South Mogadishu. The same sub-clans have also been involved in a tense confrontation in the Belet Weyne area, which seems to be the next major objective of SNA. Other SNA advances have been reported at Baidoa. In short, there have been concerted attempts, especially by SNA, to improve positions on the ground before the forthcoming National Reconciliation Conference.

20. At several locations, personnel from UNOSOM, United Nations organizations and non-governmental organizations (NGOs) have been threatened, attacked or sometimes kidnapped by uncontrolled armed individuals. The most recent of these very unfortunate and serious incidents occurred on 16 May 1994 in South Mogadishu. A UNOSOM vehicle was attacked and five Nepalese soldiers were killed and one wounded. The wounded soldier was subsequently kidnapped from a local hospital. UNOSOM is working hard with local leaders to secure the release of the kidnapped soldier.

21. While the number of incidents involving United Nations organizations and NGO personnel has decreased in the past few weeks, the level of insecurity is unpredictable as disturbances and inter-clan fighting occur without warning. Banditry, especially in urban centres, is another major cause of concern. The cooperation of local elders has been very helpful in resolving difficulties relating to attacks and threats against UNOSOM and associated personnel as well as matters pertaining to their general security.

IV. FORCE STRUCTURE AND CAPABILITIES

22. The contingents of the following countries have completed their withdrawal from UNOSOM: Germany, Greece, Italy, Kuwait, Morocco, Norway, Republic of Korea, Saudi Arabia, Tunisia, Turkey, United Arab Emirates and United States of America. Since my last report, Pakistan has increased its contingent strength by approximately 2,000 all ranks. In its resolution 897 (1994), the Security Council revised the mandate of UNOSOM and authorized the gradual reduction of the UNOSOM force level to 22,000, including 2,500 logistics and necessary support elements.

23. The current UNOSOM force strength is 19,000 (as at 11 May 1994). In an effort to correct this shortfall, requests have been made to Member States to provide additional units, so far only Pakistan has agreed to deploy one helicopter unit.

24. The deficiencies in capacity that resulted from the withdrawal of the United States forces have not been made up in full, especially with regard to air operations and night capabilities. However, the shortfalls in the areas of armoured protection, logistics and communications have been adequately addressed.

25. Troops deployed in Somalia are committed to the following tasks in UNOSOM's present area of operations:

(a) Security of major airports and seaports;

(b) Security/patrolling of the routes leading to the interior so as to keep them open for humanitarian aid convoys;

(c) Patrolling within the major towns and cities to allow for safe movement of UNOSOM and NGO personnel;

(d) Escorting of humanitarian aid convoys;

(e) Security of logistics convoys and installations;

(f) Security of personnel and installations of UNOSOM, United Nations organizations and NGOs;

(g) Providing assistance in the training of the Somali police.

26. To meet these requirements, UNOSOM's deployment has been modified following the recent withdrawals and is now as follows:

(a) Baidoa-Kismayo: the Indian brigade with 4 battalions and the Botswana battalion, deployed in 10 different locations;

(b) Outside Mogadishu: three battalions provided by Bangladesh, Nigeria and Zimbabwe deployed respectively at Afgoye, Merka and Balad, three strategic positions along the main lines of communication;

(c) Mogadishu: three battalions, from Malaysia, Nepal and Pakistan, are responsible for the security of UNOSOM personnel, installations and equipment. The three Egyptian battalions secure the port and the airport. The rest of the Pakistani brigade - four infantry battalions, one tank regiment and one helicopter squadron - provides the services of the UNOSOM Quick Reaction Force, secures the main route between the port, the airport, and UNOSOM compounds, holds nine company-size strong-points or checkpoints, and patrols the key areas of the city. The brigade also participates in escorting humanitarian convoys in the Mogadishu area;

(d) Belet Weyne: a company from Zimbabwe.

27. Despite the troop reduction, military contingents continue to participate in humanitarian activities. The military hospitals are treating hundreds of Somali patients daily at Mogadishu, Baidoa, Oddur, Wajid and Kismayo. Military units are committed heavily on a daily basis for water, food distribution and other humanitarian operations, averaging 25 such convoys per day. Military contingents also support the activities of the newly established Police Division in reconstituting the Somali National Police, by providing basic training to Somali police instructors and logistic support.

28. Although the UNOSOM force is not at present a direct target, increased inter-clan fighting at Mogadishu, Merka, Belet Weyne and in the Lower Juba Valley may eventually pose a potential threat to UNOSOM. Over the past few weeks, information coming from different sources has indicated that all factions

are rearming. SNA militia have been on the offensive in various parts of southern Somalia, are in full control of South Mogadishu and have launched repeated attacks to control Belet Weyne. At Kismayo, there has been hectic movement of SPM militia in anticipation of an attack by SNA. An outbreak of hostilities on a large scale cannot be ruled out and might cause the fragile humanitarian situation to deteriorate.

29. With its present strength of 19,000, the force is already stretched very thin. The size of the Quick Reaction Force has been reduced from a battalion to a mechanized company, a tank squadron and a helicopter squadron. Since January 1994, seven strong-points and checkpoints have been closed in Mogadishu because of the troop reduction and the requirement to release troops for higher priority tasks. Under the prevailing security conditions, the ability of the force to achieve its mandated tasks has become limited. The full deployment of the authorized level of 22,000 would enable UNOSOM to operate again in the middle Shabelle area, from Balad to Belet Weyne, and bring it back into the UNOSOM area of operation and also to meet fully its humanitarian convoy escort role. Any expansion of UNOSOM areas of deployment to incorporate the central region of Galcayo and ultimately the north-east would require the deployment of at least two additional battalions with integral support and logistics elements. This force does not currently exist in theatre.

V. POLICE AND JUSTICE PROGRAMME

30. In its resolution 865 (1993), the Security Council expressed its conviction that the re-establishment of the Somali police, judicial and penal systems was critical for the restoration of security and stability in the country. The reduction of the UNOSOM force level and the instability in the security situation referred to in the relevant parts of the present report have increased the importance and urgency of achieving the objectives of the Somali Justice Programme. Successful implementation of the programme would contribute enormously to the achievement of the goal of Somali institutions being the main agents providing for the maintenance of law and order in Somalia. The United Nations and the international community have not relented in their efforts to achieve this objective. As at 22 May 1994, the total number of police recruits was 7,799.

31. Since my last report to the Security Council (S/1994/12, paras. 17-19), UNOSOM has made considerable efforts to build up its civilian police component for providing training, equipment and assistance in the establishment of a viable national Somali police force.

32. Of the 54 civilian police personnel authorized to staff the Police Division, 41 from the following countries had arrived in the mission area as at 15 May 1994:

Egypt	6
Ghana	6
Ireland	4
Italy	5
Netherlands	6
Malaysia	5
Republic of Korea	2
Sweden	2
Zimbabwe	5

The remaining civilian police personnel are scheduled to arrive shortly from Nigeria, Sweden and Zambia.

33. The north-east region merits special mention. Three hundred and sixty-seven former policemen have now been approved for reappointment but approximately 600 militiamen operating as policemen do not meet UNOSOM's criteria for recruitment. It is recognized, however, that the current UNOSOM policy of restricting appointment to persons who had served as members of the Somali police force for at least two years needs reconsideration. After proper training, selected demobilized ex-militiamen should also be able to qualify for induction into the police force.

34. Starting from the end of March, under the overall coordination and leadership of UNOSOM, the UNOSOM military component and the United States training team, provided by the International Criminal Investigations Technical Assistance Program (ICITAP), have played an important role in assisting the police programme. They have organized weapons training, driver and mechanics maintenance training, foot and arms drill, supervisor training, administration and middle management training. ICITAP also provides logistical support in the refurbishment of police stations, as well as in training facilities. They are now in the process of refurbishing a provisional training school within the UNOSOM headquarters compound at Mogadishu to accommodate 100 trainees per session. Other locations, such as Hargeisa (north-west), Galcayo (north-east), Baidoa (central), and Kismayo (south), are being considered for training centres. Logistic support is likely to be provided by ICITAP. The main problem is that the destruction of facilities has been thorough and the lack of financial resources makes it possible to rehabilitate only one or two facilities for training the police forces of the whole country.

35. An armourer's course was started on 30 April 1994 with an initial group of 20 police officers. A training programme for trainers for refresher development courses commenced on 2 May 1994. The middle management station administration courses commenced on 14 May 1994 at Mogadishu. These courses will be replicated throughout the country. UNOSOM plans to train over 3,000 personnel by December 1994 and another 3,000 will be trained by Somali police officers who would have themselves undergone training with UNOSOM II.

36. Other training packages, including a refresher training programme, are being revised and updated to enhance the delivery mechanism. These are designed to ensure standardization of training throughout Somalia. Essentially, the police training programme involves the reinculcation of a disciplined orientation into the Somali police personnel, as well as the enhancement of their capacity for general crime prevention duties and such specialist duties as investigation, criminal intelligence gathering, riot control, community policing, and human rights in law enforcement. UNOSOM Police Division is at present formulating a Darawishta (quick reaction force) training programme.

37. The UNOSOM police programme is in great part financed by voluntary contributions, in cash and in kind, from Governments. The following cash contributions have been received or pledged so far:

	(Millions of United States dollars)
Denmark	0.5
Japan	9
Netherlands	0.5
Norway	1
Sweden	1.6
United Kingdom of Great Britain and Northern Ireland	0.037
United States of America	8
Total	20.637

Contributions in kind have been received from the following Governments:

	(Millions of United States dollars)
Germany	1.5
Italy	4.5
United States of America	37
Total	43
Total cash and in-kind contributions	63.637

38. Complementary to the police programme, UNOSOM's Justice Division has developed five different work programmes: judicial, correctional, juvenile justice, crime prevention and human rights.

39. The judicial work programme is now focused upon the repair and refurbishment of the courts, supply of equipment, stationery, furniture, statute books and training of judicial personnel. Assistance has been obtained from some Member States, regional institutions and organizations, NGOs and United Nations organizations and programmes. A mid-term assessment meeting is planned for June 1994, with a view to evaluating the progress made regarding assistance to the Somali Justice Programme, as a model for future United Nations interventions of this nature.

40. A work plan has been prepared for the refurbishment of 54 courts in 28 districts spread over 12 regions. Also, during the period from June to August 1994, the appropriate Somali authorities at the district and regional levels will be encouraged to appoint suitable personnel to staff these courts.

41. In the correctional work programme, efficient correctional management practices are being introduced into the prisons. Some projects for improvement of sanitation and prison facilities have been completed, in cooperation with the International Committee of the Red Cross (ICRC). Estimates for reconstruction or refurbishment of prisons in Somalia are being compiled.

42. Efforts have been made to relieve congestion in the two large prisons at Mogadishu and Baidoa. Constant monitoring of the cases and calling attention of the appropriate authorities to the plight of those "awaiting trial" who have been in prison for three months or more without trial, has led to judicial review of the cases and, in many instances, the release of detainees.

43. As the regional courts in some regions are now fully functioning, those offenders held for serious crime are now being tried. With the continuing improvement in the staffing of the Justice Division, it is expected that the deployment of officers to the various regions will make it possible for the Division to carry out its correctional programme throughout the country. The assistance of the United Nations Volunteers has been particularly valuable in this regard.

44. Training courses to enhance the competence and managerial skills of prison personnel are due to be held in June. This will be undertaken with the assistance of the Arab Security Studies and Training Centre, the United Nations African Regional Institute for the Prevention of Crime and the Treatment of Offenders, and the Alliance of NGOs on Crime Prevention and Criminal Justice.

45. As part of UNOSOM's juvenile justice programme, steps have been taken to improve conditions for detained juveniles. The main priority has been to secure their separation from adult prisoners, in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules). With the support of United Nations organizations, including the United Nations Educational, Scientific and Cultural Organization (UNESCO) and NGOs, it is planned to establish a basic educational programme for juvenile prisoners.

46. A Street Children Redemption Educational and Recreation Pilot Project, supported by the United Nations Children's Fund (UNICEF), UNESCO and the World Food Programme (WFP), is being implemented in North Mogadishu. The first

beneficiaries will be about 100 children, between the ages of 6 and 12 years. They will receive food and about four hours of basic education daily.

47. The United Kingdom Overseas Development Administration has agreed, in principle, to support a project formulated jointly by the Justice Division and the Save the Children Fund (UK) on the therapy of traumatized children in Somalia.

48. In its crime prevention programme, with the support of the European Forum for Urban Safety, in Paris, and the International Centre for the Prevention of Crime, at Montreal, the Division will formulate projects designed to develop institutional bonds of social control aimed at crime prevention and control. To this end, the Division is recruiting two crime prevention specialists (a social worker and a judge).

49. Through its human rights programme, the Division has investigated incidents of human rights abuses within the Somali Criminal Justice System. The results of the investigations have been discussed with the appropriate units, and mechanisms for avoiding such violations in the future have been jointly developed with such units. The Human Rights Section is currently identifying Somali human rights organizations with which it will cooperate in the promotion, protection and monitoring of human rights. Training programmes in human rights education for Somalis are also being developed with the assistance of some subregional and national institutes with specialization in this area, particularly the International Institute of Higher Studies in Criminal Sciences, at Syracuse, Italy. Finally, the Section is cooperating closely with the Centre for Human Rights of the United Nations Secretariat in the development of its work programme.

VI. DISARMAMENT AND DEMOBILIZATION PROGRAMME

50. In the Nairobi Declaration of 24 March 1994, the Somali political faction leaders explicitly expressed their support for the concept of voluntary disarmament. Regrettably, this commitment has not yet been honoured. Voluntary disarmament will be successful only if the Somali parties display the necessary determination to settle their disputes peacefully. In the past few weeks, on the contrary, there has, as reported above, been evidence that major factions are replenishing their weapons stockpiles. In Mogadishu, "technicals" have been spotted at different locations. Reports also indicate that clans are rebuilding defensive positions.

51. I appeal to the parties to implement the disarmament process agreed upon during the Addis Ababa meetings of 1993 and at the Nairobi meeting of March 1994. UNOSOM II is prepared to assist them in implementing their commitments. The UNOSOM force, which is already overstretched, would act as an honest broker in collecting surrendered weapons and safeguarding them for the Somali national Government. The selection of locations for the cantonment of weapons will have to be developed in concert with the Somali authorities.

52. In the north-west region, through the recently created National Demobilization Commission, an interim emergency programme for disarmament and

demobilization was launched in February 1994. The programme, which was developed in conjunction with an advisory team established with the cooperation of the United Nations Development Programme (UNDP), focuses on two broad areas: (a) support for immediate disarmament in Hargeisa and the anticipated spread of disarmament to other areas and (b) the commencement of an interim three-month support programme for demobilization and reintegration.

VII. DEMINING PROGRAMME

53. UNOSOM demining policy is based on the principle of using Somali deminers only. Recent experience shows that expatriate demining firms are not necessarily acceptable to local political authorities and a disproportionate amount of the fees is used to cover the security risks faced by the expatriates. Owing to the employment of Somali deminers, many of whom know where the mines are located and who enjoy the support of the local councils or authorities, larger areas have become more accessible for demining. It is to be noted that, before any demining project is supported, the local demining NGO has to satisfy UNOSOM with documentary evidence that the local authorities have agreed that the project can be executed effectively and in reasonable safety within their community. UNOSOM also carries out the field survey of the project to ensure its viability. Periodic inspections are carried out during project implementation to ensure satisfactory completion. To increase the safety of Somali deminers, a mine clearance training facility is planned. This will be staffed by expatriate instructors, and located in North Mogadishu, with the ability to deploy instructor teams to any area in Somalia.

54. From January 1994 to date, UNOSOM has engaged six demining groups, of which three have completed their jobs, and 18 more are in the pipeline. In the last three months, the following ordnance has been destroyed:

Anti-tank mines	3 210
Anti-personnel mines	1 116
Unexploded ordnance	8 655

An additional 500 anti-tank mines have been removed. Seventy-one square kilometres of grazing/pastoral land and 318.5 kilometres of roadway have been cleared of mines.

55. With the restructuring and increased staffing of the Division, UNOSOM intends to accelerate the implementation of the demining programme. The Office of the United Nations High Commissioner for Refugees (UNHCR) and UNESCO have jointly implemented a mine awareness programme in the north-west and in the Galcayo area using posters, books and through group discussions in the communities.

VIII. HUMANITARIAN SITUATION

56. In spite of the significant progress made in 1993, the emergency situation continues and the welfare of large numbers of Somalis remains at risk. A major priority for 1994 is the provision of relief assistance to the most vulnerable and disadvantaged groups. The Division for the Coordination of Humanitarian Affairs in UNOSOM has continued to coordinate the provision of assistance to meet relief needs, resettle refugees and internally displaced persons and to contain the prevailing cholera epidemic throughout the country. However, security problems still plague relief efforts in a number of areas, affecting both the safety of humanitarian personnel and the regularity and efficiency of delivery of assistance.

A. The continuing emergency

57. Given the volatile situation in the country, humanitarian agencies operating in Somalia have been focusing their attention on the various scenarios that affect humanitarian activities. One major concern has been the increase in inter-clan conflicts and banditry and the resulting interruptions in the provision of relief assistance. Other contingency scenarios identified include food and water shortages, human and livestock epidemics and floods. The first step taken by the Division for the Coordination of Humanitarian Affairs was to form the Contingency Operations Group comprising representatives of United Nations organizations, the NGO Consortium and the UNOSOM force command. The Group meets regularly to consider changing emergency scenarios and needs and to put into place concerted response mechanisms. Some of the specific issues with which the Group has been dealing include developing early warning arrangements; ensuring availability of contingency stocks; identification of key facilities, installations and routes; and evacuation planning.

58. Somalia is slowly recovering from an extended period of widespread famine and dramatic reductions in food production. While the overall food supply situation has improved, poor rains during the short agricultural season have resulted in food shortages in some areas. The development of forward indicators of vulnerability has been one of the most important steps taken within the emergency contingency planning mechanism. The Food Security and Crop Assessment Task Force, chaired by WFP, is currently providing data and information on crop situations and food balances. United Nations organizations, particularly FAO and WFP, and NGOs are collaborating in field monitoring and surveillance through field missions which are dispatched to assess the food supply and condition of crops produced locally. Concerted early action made it possible, for example, to detect the partial crop failure in the Bay region and to take prompt remedial action by providing special food-for-work programmes. There is a projected shortfall in domestic food production in 1994 and arrangements are being made to ensure an adequate food supply for the population.

B. Cholera outbreak

59. In early February, Somalia was faced with a health emergency resulting from an outbreak of cholera. A Cholera Task Force was formed, under the auspices of

UNOSOM, to coordinate the efforts of United Nations organizations, particularly the World Health Organization (WHO) and UNICEF, NGOs and Somali groups to deal with the epidemic, which spread rapidly and affected many parts of the country. As at 5 May, a cumulative total of 12,444 cases and 492 fatalities had been reported. In addition to collecting and publishing statistical data on the spread of the epidemic, other actions taken include the setting up of treatment centres, chlorination of water sources, environmental sanitation, information campaigns and social mobilization. Responses to new outbreaks have been prompt resulting in a low fatality rate.

60. The recent outbreak of inter-clan fighting at Mogadishu interrupted the flow of medical supplies from the Somali Central Pharmacy at a very critical point in efforts to combat the epidemic. Consequently, UNOSOM arranged for contingency supplies of cholera kits and disinfection materials to be moved to its zonal offices in order to avoid too much reliance on supplies from Mogadishu. Earlier projections that the disease had reached a peak in April turned out to be premature and the most optimistic scenario at present is that it would not be over before the end of June 1994. It should be noted that humanitarian agencies are experiencing shortfalls in resources as a consequence of having to divert funds from their other programmes to combat the cholera epidemic.

C. Resettlement

61. There are still hundreds of thousands of Somali refugees in neighbouring countries who are willing to return to Somalia with assistance. The facilitation of the safe return of Somali refugees is one of the priority concerns of the United Nations. During 1993 and the first three months of 1994, some 88,000 Somalis were voluntarily repatriated from Kenya to the Gedo region. During the course of 1994, it is anticipated that another 70,000 persons will require transport facilities for resettlement - mainly to the Lower Juba region and along the Somali coastline. However, security problems and shortfalls in resources have slowed the repatriation programme, forcing UNHCR to issue an urgent appeal for additional funds without which it would not be in a position to continue the programme.

62. To date, the Humanitarian Division in UNOSOM has assisted in resettling 30,770 internally displaced persons. It is estimated that there are still over 600,000 such persons throughout Somalia. Resettlement operations will continue to rely on the relatively limited resources and personnel of international NGOs and United Nations organizations that provide food and settlement kits and also basic social services in the communities receiving the displaced persons. UNOSOM provides transport and security. It should be noted that transport is the most costly aspect in resettlement operations. Assisting Somali families to return to their homes will remain a priority. The International Organization for Migration (IOM) will be fielding an assessment mission at the end of May, at the request of the United Nations Emergency Relief Coordinator, to make it possible to develop a comprehensive programme of assistance for resettling internally displaced persons.

D. Impact of security problems

63. The humanitarian organizations have been working closely with the UNOSOM force command better to coordinate international humanitarian efforts, plans and strategies. The main objective for the remainder of 1994 is to ensure that whenever feasible the deployment of UNOSOM troops and the strengthening of the Somali police complement the implementation of humanitarian activities. The Humanitarian Division has been working with force command to establish standard operating procedures and to improve the support provided to humanitarian programmes and personnel.

64. In spite of concerted efforts by UNOSOM and humanitarian agencies working in Somalia to render assistance to needy sectors and vulnerable groups, humanitarian activities continue to face difficult security constraints. Increased banditry and inter-clan and inter-factional fighting, together with attacks directed at humanitarian agencies and their staff, have forced a number of United Nations organizations and NGOs to suspend their assistance programmes and reduce or withdraw their staff. Following the recent killing of one of its staff, and because of the continued insecurity, UNHCR was forced to evacuate its staff from Afmadow and to reduce its presence in Kismayo. WFP closed its operations in Kismayo as a result of persistent intimidation of its personnel. WFP had withdrawn from Belet Weyne earlier. A number of international NGOs have been obliged to take similar steps.

E. Rehabilitation and reconstruction

65. As a follow-up to the Addis Ababa declaration, the first meetings of the Somalia Aid Coordination Body and its Standing Committee were held at Nairobi on 1 and 2 February 1994. One of the major steps taken was the adoption of a plan of action for the first semester of 1994 on assistance for rehabilitation activities. The key elements of the plan include safety and security criteria for donors to assist in reconstruction schemes; the need for the establishment of appropriate Somali institutions in the regions; and the desirability of involving Somalis in the planning and implementation of rehabilitation programmes. To date, multi-donor missions have visited Nugal and Bakool regions to hold discussions with local authorities responsible for development activities.

66. Bearing in mind the long-term nature of reconstruction and development activities, I have approved the transfer of the United Nations Development Office from UNOSOM to UNDP, with effect from 1 May 1994. While it will be operated as a project by UNDP, the Development Office will function as an integral component of United Nations activities in Somalia. In that context, it will cooperate closely with UNOSOM and United Nations organizations operating in Somalia. The Development Office will be expected to provide institutional support and policy analysis to a future administration as an integral part of its functions.

IX. ADMINISTRATIVE QUESTIONS

67. Since the withdrawal of United States forces at the end of March 1994, logistic support for UNOSOM has been provided by a United States civilian contractor, Brown and Root Services Corporation, whose services were recommended and approved by the Headquarters Committee on Contracts as a sole source in accordance with the United Nations Financial Regulations and Rules until 1 October 1994, pending the effective bidding of the requirement. An Expression of Interest has been requested and several firms have responded positively. A Logistics Control Centre, staffed by 12 United States Government-loaned personnel, was established to monitor UNOSOM logistics operations and the support provided by the contractor.

68. While the overall staffing situation of UNOSOM has improved over the last six months (146 international Professional and 353 General and Field Service staff as at mid-April 1994), there still remains a large number of vacancies for which recruitment has proved to be difficult.

X. FINANCIAL IMPLICATIONS

69. In the event the Security Council approves the extension of the mandate as recommended in paragraph 77 below, the related financial implications, based on my report to the General Assembly (A/48/850 and Corr.1), are estimated at $464.7 million for a six-month period and are indicated in annex II to the present report. It would be my recommendation to the General Assembly that the cost relating thereto should be considered as an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations.

XI. OBSERVATIONS

70. The Nairobi declaration of 24 March 1994 has brought the United Nations Operation in Somalia to a defining moment in its complex and stormy history. The issue that now confronts the Security Council is the extension of the UNOSOM II mandate, taking into account the Council's objective, set out in resolution 897 (1994), that UNOSOM II complete its mission by March 1995. Renewal would signify the Member States' determination to fulfil the United Nations vision of assisting Somalia towards political reconciliation, national reconstruction and peace. Deciding to phase out the Somalia operation would signify abandonment of that vision and the risk of the country sliding back into the abyss from which it was barely rescued less than two years ago. The choice depends on two main factors, namely, the readiness of the Somali political and community leaders to fulfil their commitments to extricate the country from its present ordeal; and the readiness of troop and financial contributors, in the face of at times wrenching difficulties, to stay the course charted by the Security Council.

71. The present situation, though difficult, is not entirely devoid of hope. On the one hand, there is the unanimous commitment of the Somali parties to pursue the path of reconciliation and to work together to achieve voluntary

disarmament and a permanent cease-fire. On the other hand, some of the factions have used their military strength to increase the areas under their control in order to enhance their negotiating positions.

72. All the Somali leaders have appealed to UNOSOM to continue supporting their reconciliation and rehabilitation efforts, which in itself is a positive development compared to the past attitudes of certain parties toward UNOSOM. This has enabled my Acting Special Representative over the past few months to pursue a political initiative. The result, so far, has been a resumption of the dialogue, normalization of UNOSOM's relationship with SNA, and the very important declaration adopted by the parties at Nairobi.

73. Unfortunately, for reasons explained elsewhere in this report, there have been considerable delays in implementing that agreement and the preparatory meeting is now scheduled for 30 May 1994, with no date fixed for the National Reconciliation Conference itself. A major effort is now required from the faction leaders if they are to retain the confidence of the international community in the sincerity of the commitments they entered into at Nairobi.

74. Meanwhile, the situation on the ground is a matter of growing concern. The withdrawal of several major UNOSOM contingents in March did not lead to civil war, as had been feared, nor to a resurgence of organized attacks on UNOSOM and on humanitarian agency and NGO personnel. However, there has been a steady deterioration of the security situation. Militia groups are rearming and are again constructing "technical" combat vehicles in anticipation of renewed fighting, particularly since the substantial military advances scored by SNA in the Merka and the Mogadishu airport areas. Moreover, banditry is on the rise, partly as a result of the reduction in UNOSOM's strength.

75. Elsewhere in Somalia, UNOSOM's efforts to help foster reconciliation among various local clans have made some progress. This can be significant as the clans generally have much influence with the Somali political factions. Of considerable significance in this connection are the ongoing reconciliation efforts being mediated by the Imam of Hirab. If successful, these may result in reducing mistrust and hostility between General Aidid, Mr. Mohamed Ali Mahdi and Mr. Mohamed Qanyare Afrah, the leaders of the major contending factions in the United Somali Congress.

76. Despite this somewhat negative assessment of the political and security situations, I believe that the Somali people deserve a last chance. But this must be firmly tied to evidence of serious and productive pursuit of the reconciliation process. It must also entail strict observance of the cease-fire and cooperation with UNOSOM in preventing the recurrence of clashes and in resolving local clan and factional conflicts.

77. I accordingly recommend that the Security Council reaffirm its objective, set out in resolution 897 (1994), that UNOSOM II complete its mission by March 1995, and that, to this end, it now extend the UNOSOM II mandate for a period of six months. This extension would be at the present authorized strength of 22,000, and be subject to periodic reviews of the political and military situation and of progress towards reconciliation. The first such review would take place following my submission of a report on the outcome of

the National Reconciliation Conference or on 15 July 1994 if the Conference had not taken place by then. Subsequent reviews would be scheduled at the discretion of the Security Council. I have instructed my Acting Special Representative to continue assigning top priority to his efforts for promoting political reconciliation in Somalia.

78. During the six-month period UNOSOM II would also continue to give priority to the speedy build-up of the Somali national police and justice system. This could be synchronized with a corresponding reduction of the UNOSOM military component, preferably beginning in November 1994. Until the Somali police force is in a position to shoulder its responsibilities, it is the considered opinion of the UNOSOM force Commander that the mandated level of 22,000 all ranks needs to be maintained to provide the requisite security. I have instructed my staff to make a major effort to rebuild the force to this level as soon as possible. A premature reduction in troop level would be counter-productive, since it would lead to a curtailment of the area where UNOSOM II can fulfil its mandate. The troop reduction process must at all costs be militarily sound and its execution orderly.

79. These recommendations are based on the assumption that the Somali leaders will prove able and willing to pursue the path to political reconciliation. Should this assumption prove unfounded, I will not hesitate so to report to the Security Council. In that event, I would not rule out recommending that the Council consider the withdrawal of the United Nations force in part or in full. I have accordingly instructed UNOSOM to formulate a comprehensive contingency withdrawal plan which would be ready for implementation should the Security Council so decide. There would probably be no alternative to this course of action, since, in the event of a failure of the political reconciliation process and/or a large-scale resumption of fighting, the continued flow of military and financial support for UNOSOM from Member States would surely diminish or cease altogether.

80. In my last report, I referred to the substantial resources generously made available to save hundreds of thousands of Somali lives. In spite of scarce resources and the proliferation of emergencies in other parts of the world, the international community has demonstrated compassion and patience in continuing to provide humanitarian assistance to the suffering people of Somalia. While relief requirements continue, and have recently increased because of the sudden outbreak of cholera, there is heightened concern that resources may not be available to meet those needs. The continuing security problems, in particular the threats and attacks directed at humanitarian agencies, are a growing cause for anxiety. When taken together with the prohibitive costs of delivering assistance for relief and rehabilitation, the circumstances under which humanitarian agencies are forced to operate can only be expected to lead to a reduced level of response. This in turn could leave those who are least able to help themselves in an even more precarious situation, and, worse still, result in a return to the tragic days of the worst phase of the emergency. The grave concern expressed by the donor community about the security situation should be another clear signal to the Somali political leaders to accelerate their efforts, in cooperation with UNOSOM, to achieve a political settlement and maintain peaceful conditions. If these efforts should bear fruit, there is still hope for collective international efforts to succeed in assisting Somalis

to meet the continuing emergency needs and move towards the rebuilding of the economic and social fabric of their country.

81. In conclusion, I wish first of all to place on record again my deep appreciation for my former Special Representative, Admiral Jonathan Howe; his successor as Acting Special Representative, Ambassador Lansana Kouyate, and the two officers who have served as Force Commanders of UNOSOM II: General Cevik Bir and General Aboo Samah Bin Aboo Bakar. These officials have demonstrated the highest qualities of leadership in some of the most difficult circumstances. My appreciation further extends to all the soldiers and civilians of all ranks and from many countries, including Somalia, who have devoted themselves to the effort of the United Nations to help the Somali nation in its hour of need. I further wish to convey my appreciation to ICRC, to the NGOs and to the many Governments that have supported UNOSOM in its efforts to carry out the Security Council mandate. Above all, I pay a tribute to the soldiers of UNOSOM, United Nations staff members, Somalis working for UNOSOM, and relief workers who made the supreme sacrifice in furthering the effort of the international community, under United Nations auspices, to bring succour to Somalia and restore peace in that country.

Annex I

DECLARATION BY THE LEADERS OF THE SOMALI POLITICAL ORGANIZATIONS

General principles

1. Following the informal consultations in Nairobi, from 11 to 23 March 1994, the political leaders of Somalia have reached an understanding based on the following principles:

(a) Inviolability of the territorial integrity and sovereignty of the Somali Republic;

(b) Repudiation of any form of violence as a means of resolving conflicts and implementation of cease-fire and voluntary disarmament throughout Somalia;

(c) Respect for and preservation of fundamental human rights and democratic principles;

(d) Creation of an atmosphere conducive to brotherly coexistence among all Somalis, using traditional channels, cultural and political means;

(e) Rehabilitation and reconstruction of the country to recover from the devastation of the civil war.

2. In specific terms, the leaders have agreed to implement the following:

(a) To restore peace throughout Somalia, giving priority wherever conflicts exist;

(b) To hold a meeting of the signatory factions of the Addis Ababa peace agreement and the Somali National Movement (SNM) on 15 April 1994 in Mogadishu to set up rules and procedures of voting and criteria of participation in the National Reconciliation Conference. The meeting will also discuss the ways and the modalities to establish the National Legislative Assembly, which will be formed after the formation of the National Government;

(c) In order to restore the sovereignty of the Somali State, a National Reconciliation Conference should be convened on 15 May 1994 to elect a President and Vice-Presidents (the number to be determined) and to appoint a Prime Minister;

(d) To complete and review the formation of local authorities, where needed, and establish them, where necessary, as a basis for regional autonomy and respect for community rights;

(e) To urge SNM to attend the above and all national reconciliation conferences, meetings and consultations;

(f) To establish an independent judiciary.

Appeal to the international community

The Somali leaders wish to express their gratitude to the international community, particularly the United Nations, aid donor countries and countries of the region, for their valuable assistance and to request the continuation of these efforts until Somalia stands on its own feet.

Signed this 24th day of March 1994 on behalf of the Group of 12 and the Somali National Alliance:

(Signed) Ali Mahdi MOHAMED
Group of 12

(Signed) Mohamed Farah Hassan AIDID
(SNA)

Annex II

UNITED NATIONS OPERATION IN SOMALIA II (UNOSOM)

Summary cost estimate for a six-month period

(Thousands of United States dollars)

1.	Military personnel costs	198 940
2.	Civilian personnel costs	61 680
3.	Premises/accommodation	7 790
4.	Infrastructure repairs	7 600
5.	Transport operations	11 520
6.	Air operations	79 620
7.	Naval operations	-
8.	Communications	5 200
9.	Other equipment	7 460
10.	Supplies and services	38 850
11.	Elections-related supplies and services	-
12.	Public information programmes	2 300
13.	Training programmes	6 600
14.	Mine-clearing programmes	4 950
15.	Assistance for disarmament and demobilization	15 400
16.	Air and surface freight	5 320
17.	Integrated Management Information System	250
18.	Support account for peace-keeping operations	4 560
19.	Staff assessment	6 660
	Total	464 700

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1994/615
25 May 1994

ORIGINAL: ENGLISH

LETTER DATED 25 MAY 1994 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In response to the Secretary-General's report of 19 May 1994 (S/1994/600), pursuant to Security Council resolution 913 (1994), we would like to make the following comments and observations:

I. GENERAL

1. We are appreciative of, and will continue to welcome, the efforts of the many individuals, organizations and nations in providing assistance to improve the overall humanitarian and political situation in the Republic of Bosnia and Herzegovina. Such efforts can contribute positively to lessening suffering, saving lives and bringing peace.

2. For exactly the latter reason, and being fully aware of the delicate situation of the United Nations Protection Force (UNPROFOR) and other United Nations representatives in the Republic of Bosnia and Herzegovina, we are in despair at having repeatedly to respond to the Secretary-General's reports on this issue by correcting implicit or explicit misperceptions or reflections conveyed in the reports. We take no pleasure in being placed in a diplomatically adversarial position with any representatives of the Secretariat. Quite the contrary.

3. Too often we find the reports stretching to equate the behaviour of "the parties" in moral, legal or diplomatic terms in order, we suppose, to convey the image of "evenhandedness". The more UNPROFOR and international efforts on the whole in the Republic of Bosnia and Herzegovina are confronted by Serbian obstructionism and even deliberate targeting, the greater the attempt to balance the "scorecard" and assess blame on all. There has been all along a reluctance to identify the Serbians as the aggressors in the conflict and the perpetrators of genocide despite the numerous analyses of the events by independent United Nations-mandated observers, including the Special Rapporteur and the War Crimes Commission. What is causing more despair is that there is an unspoken fear of identifying the Serbians as the overwhelming and determining

obstacle to peace, in order to avoid calling for the appropriate, logical and legal response of the international community. The most recent examples of Serbian violations of United Nations-designated safe areas, United Nations/North Atlantic Treaty Organization (NATO)-defined exclusion zones, and even attacks on United Nations-mandated personnel, we believe, are a more than ample illustration of the latter conclusion.

4. Finally, we believe there is a continuing tendency to delegitimize the Government of the Republic of Bosnia and Herzegovina and its defence forces while raising the legitimacy of the Serbian military and political elements in the Republic of Bosnia and Herzegovina. This additional attempt at "equating the parties" and "evenhandedness" is most troubling when Jnited Nations Security Council resolutions are ignored or effectively redefined to apply the same status and demands on all, despite very deliberate and careful drafting by the Security Council.

II. COMMENTS

5. We hold the view that the Secretary-General's report, paragraphs 3 and 4 in particular, should have indicated that the Serbian onslaught against Gorazde continued on 23 April 1994 after, and in violation of, the United Nations/NATO ultimatum. This fact has special relevance, since refusal to confront these violations resulted in continued Serbian shelling, dozens of civilian deaths and further loss of credibility.

6. We are of the firm view that paragraphs 5 and 6 vastly misrepresent the facts that occurred on 23 April 1994. The Serbian assault on 23 April 1994 was intensified in the late morning and early afternoon, with heavy weapons increasingly used to target civilians. The United Nations/NATO ultimatum was clearly being violated by the Serbian forces. The United Nations/NATO ultimatum (and the threatened response for non-compliance) was not based on Serbian agreement to and subsequent non-compliance with a cease-fire but only on continued Serbian attacks on Gorazde beyond a certain date. On numerous occasions during several weeks prior to that, the Serbian forces had continually committed themselves to cease-fires and routinely ignored these commitments. Mr. Vitaly Churkin, the Special Representative of the Russian Federation, chose to quit any further talks with the "Bosnian Serbs", publicly decrying their repeated lies and saying the time for talking was over. None the less, Mr. Akashi did not accede to the called for NATO response. In our view, this course of action resulted in:

(a) The Serbian forces securing a final few hours beyond the very precise United Nations/NATO ultimatum to rain destruction and brutality upon Gorazde more intensely than ever, while NATO was effectively blocked from the appropriate response;

(b) The unnecessary loss of dozens of civilian lives;

(c) The further and catastrophic erosion of NATO as well as UNPROFOR credibility;

(d) The strengthening of the Serbian perception that they can manipulate the scope and timing of any NATO and/or United Nations response to their actions by a variety of measures, ranging from hostage-taking to effective neutralization of the NATO/UNPROFOR "arrangements" worked out on 2 and 9 August 1993;

(e) Serbian heavy weapons were allowed to be moved unscathed (and in one very shameful circumstance, with the cooperation of UNPROFOR) to attack other targets.

7. We do not believe that Mr. Akashi's meetings in Belgrade contributed to the current relative calm in and around Gorazde. Over several weeks prior to the NATO ultimatum, several mediators held countless meetings with the so-called Bosnian Serbs and the Belgrade leadership. Numerous cease-fires had been committed to, only never to be honoured. Furthermore, UNPROFOR troops had been waiting to move into the Gorazde safe area for some time, only to be repeatedly blocked by the Serbian forces. With all due respect for the efforts of UNPROFOR and many of its committed individuals, the only change in circumstance that has brought about the improvement of the situation in Gorazde is the NATO-backed ultimatum and threat. The Serbian forces knew any obstacle to the appropriate NATO response would have faded in the face of a continuing Serbian onslaught and continuing loss of NATO credibility. All the other measures undertaken by UNPROFOR and other United Nations organs to contribute positively to the situation would not have been possible without the NATO-backed ultimatum. As the Secretary-General will recall from other meetings held in his offices on 18 April 1994 between the Secretary-General, his senior staff and Mr. Ejup Ganic, Ambassador Sacirbey and several of his senior staff, the Secretary-General expressed his frustration and lack of options. Options once again became available after the NATO ultimatum of 22 April 1994.

8. We should also indicate that even the watered-down terms of the NATO ultimatum and cease-fire committed to in Belgrade on 23 April 1994 remain, in key aspects, unimplemented.

9. We also take strong exception to the characterization in the first sentence of paragraph 6 of the Secretary-General's report:

> "Despite a number of violations of the cease-fire attributable to both parties between the afternoon of 23 April and the morning of 25 April 1994, the cease-fire has generally been respected since the latter date with only isolated and sporadic small-arms fire."

First, neither the Government of the Republic of Bosnia and Herzegovina nor its defence forces were a party to or consulted in the cease-fire arrangements in Belgrade on 23 April 1994. This was a matter totally dealt with on a bilateral basis between Mr. Akashi and the Belgrade elements without our knowledge until after the fact. We were not asked to commit ourselves to any cease-fire. The above-referenced sentence in the Secretary-General's report attempts, once again, to equate the aggressor and the victim with the objective of justifying appeasement. The Army of the Republic of Bosnia and Herzegovina fully complied with the terms of resolution 913 (1994) and the NATO ultimatum and undertook no

offensive action. The Army of the Republic of Bosnia and Herzegovina frankly was in no position to undertake any offensive actions.

10. With respect to paragraph 7 of the Secretary-General's report, we inquire as to which "Serb minority" is referred to here. A substantial portion of the Serb population had remained in Gorazde for the past two years of the siege. They were and are an integral part of the community, sharing in the community's shifting fortunes, and indeed many are members of the Army of the Republic of Bosnia and Herzegovina, defending it against the aggressor Serbian forces loyal to Belgrade and its local surrogates. The Government and the Army of the Republic of Bosnia and Herzegovina have all along undertaken the responsibility to maintain the security and confidence of this loyal Serb population. On the other hand, if these are Serb settlers introduced by the occupying Serbian forces as described in paragraph 12 of the Secretary-General's report, then such a continued intrusion would be a violation of numerous United Nations Security Council resolutions and the Geneva Conventions.

11. With respect to paragraph 15 of the Secretary-General's report, the Government of the Republic of Bosnia and Herzegovina has not placed preconditions to its participation in the peace process. Members of our Government, including President Izetbegovic and Prime Minister Silajdzic, have continued to participate in peace efforts as evidenced by meetings held in Geneva on 31 and 14 May with several members of the Contact Group, including United States Secretary of State Christopher, United States Special Representative Charles Redman, and Russian Federation Special Representative Vitaly Churkin. None the less, it is clear that there is no logic in negotiating the terms of an overall cease-fire until the basic terms of the cease-fire around Gorazde are respected.

12. The difficulties and obstacles described in paragraph 18 of the Secretary-General's report, it should be clarified, are exclusively raised by the Serbian forces.

13. With respect to paragraphs 19, 20 and 21 of the Secretary-General's report, there is no requirement under any relevant resolutions or ultimatums for government forces to withdraw from within the safe area or any exclusion zone. Any such offers of withdrawal can only be viewed as accommodations to UNPROFOR and good-will gestures. We are, though, especially puzzled by the first sentence of paragraph 21:

> "As of 18 May 1994, the situation in Gorazde remains one of stalemate, with both parties making claims over the right bank of the Drina river, within the 3-kilometre exclusion zone."

We believe that there is no lack of clarity to the positions evidenced by the Security Council and the United Nations/NATO ultimatum. All areas within the 3-kilometre exclusion zone, including the right bank of the Drina river, were and are part of the Gorazde safe area and the NATO exclusion zone that are to be free of Serbian forces and threats.

III. OBSERVATIONS

14. Opportunity and requisite options exist adequately to address the suffering of Gorazde. They exist in fully implementing the provisions of resolution 913 (1994) and the Gorazde (and other safe areas) exclusion zone of the 22 April NATO ultimatum. Success will not be found in deviating from these hard-thought decisions, but in consistency with the provisions committed to.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

UNITED
NATIONS

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General Assembly
Security Council

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GENERAL ASSEMBLY
Forty-ninth session
Items 64 and 65 of the preliminary list*
GENERAL AND COMPLETE DISARMAMENT
REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY

SECURITY COUNCIL
Forty-ninth year

Letter dated 24 May 1994 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

I have the honour to forward to you the statement of the spokesman for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea dated 19 May 1994.

I should be grateful if you would have the statement circulated as a document of the General Assembly, under items 64 and 65 of the preliminary list, and of the Security Council.

(Signed) PAK Gil Yon
Permanent Representative

* A/49/50/Rev.1.

Annex

Statement of the spokesman for the Foreign Ministry of the Democratic People's Republic of Korea

Recently, the true colour of Japan as a nuclear criminal has been dragged into the light of day, causing quite a stir world wide. As was already reported, an extra-large case of the concealment of 70 kilograms of plutonium at the nuclear-fuel-making factory in Tokaimura, Ibaraki prefecture, Japan, was disclosed.

Japan had so far boasted of its "uprightness", claiming that it had opened to the public the amount of plutonium stockpiled by it and had accepted "strict inspections" by the International Atomic Energy Agency (IAEA).

But it was disclosed recently that the Japanese authorities had not declared an amount of plutonium sufficient for the manufacture of nine nuclear bombs in the total inventory of plutonium, keeping it in secrecy.

This clearly showed their shamelessness. The concealment of plutonium is a violation of universally recognized international law, which should be taken seriously and denounced. The case also clearly indicates that the so-called "three non-nuclear principles" advertised so often by Japan are nothing but a "screen" for concealing a large quantity of plutonium and accelerating nuclear armament in real earnest and that the noisy row Japan has raised over the non-existent "nuclear issue" of the Democratic People's Republic of Korea, taking the vanguard in the intrigues against it, was motivated by a trick to veil its nuclear armament and divert the public attention elsewhere.

The Japanese authorities, caught red-handed, are these days vociferating about "probe into the truth" and "removal of suspicion", but no one will believe that.

Judging from the fact that many nuclear facilities of Japan have been in operation for scores of years, it is self-evident that the recently discovered plutonium is only a tiny part of the amount concealed in Japan.

As regards Japan's production and concealment of much plutonium, the world public is demanding that the IAEA treat it as a grave case and take relevant measures.

If the IAEA secretariat fails to take issue with the dangerous nuclear activities of Japan and continues to make the matters complicated over the fledgling peaceful nuclear activities of the Democratic People's Republic of Korea, throwing "suspicion" on them, it cannot be construed otherwise than an application of a double standard.

The IAEA secretariat must pay due attention to this problem in compliance with the principle of impartiality.

The United States, which has used the "nuclear issue" of the Democratic People's Republic of Korea for a sinister political purpose, calling for a "cooperation system" to stifle the Democratic People's Republic of Korea, joining hands with Japan, the real nuclear criminal, cannot evade the responsibility for the case.

We do not feel any need of serious argument about the poor lot of the south Korean authorities, who have recklessly made a fuss about "nuclear issue" of the north, currying favour with the United States and Japan, the two big Powers.

While the south Korean authorities ran about mad, following Japan, the latter did what it wanted to. What a ridiculous sight it is.

The Japanese authorities must declare to the world public the exact total amount of plutonium now concealed nationwide and immediately stop nuclear armament.

We consider that since it has been confirmed as a fact that Japan's nuclear armament is being promoted on the danger level, the denuclearization of the Korean peninsula is practically meaningless.

We call on the Governments of all countries, international organizations and anti-nuclear organizations to make unbiased efforts to remove the danger of nuclear development from our planet and launch a joint action to check the nuclear armament recklessly accelerated by Japan with the ambition to become a military and a nuclear Power.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1994/617
26 May 1994

ORIGINAL: ENGLISH

LETTER DATED 25 MAY 1994 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith a letter dated 23 May 1994 from the Minister for Foreign Affairs of Azerbaijan, Mr. Hassan A. Hassanov, addressed to you.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Yashar T. ALIYEV
Chargé d'affaires a.i.

Annex

[Original: Russian]

Letter dated 23 May 1994 from the Minister for Foreign Affairs of Azerbaijan addressed to the President of the Security Council

In recent days, taking advantage of the relative lull at the fronts, the armed forces of the Republic of Armenia have been regrouping their units and pouring additional reserves from the various regions of Armenia into the occupied areas of Azerbaijan, especially Khojaly.

Furthermore, information is being received from various sectors of the front concerning the acts of barbarism and pillaging being perpetrated by units of the armed forces of the Republic of Armenia in the occupied territory. Taking advantage of the fact that the Azerbaijani units are observing the cease-fire agreement, the Armenian forces of occupation, as instructed by their command, are systematically setting fire to towns and villages and erasing them from the face of the earth; they are blowing up historical monuments, mosques, cemeteries, administrative and residential buildings, agricultural installations, communications infrastructure and water-supply systems.

In occupied lands in the Agdam, Fizuli, Djebrail, Kubatly and Zangelan districts of Azerbaijan, along the entire length of the front, powerful explosions are constantly reverberating and fires may be seen over a distance of many kilometres. The units of the armed forces of the Republic of Armenia are especially zealous in this regard in the occupied Agdam district of Azerbaijan. At the present time, the town of Agdam and the villages of Marzily, Bash Karbend, Yusifjandy, Gyullyuja, Suma, Tagybely, Ilkhychlar, Shykhlar and others in the Agdam district are being destroyed. The historic centre of Agdam has been virtually annihilated. Evidently, realizing that it will be unable to hold down the Azerbaijani territories under occupation much longer, the Armenian army is employing "scorched earth" tactics with the intention of leaving behind, after its departure, lands that are unfit for residential or agricultural uses.

All these actions by the armed forces of the Republic of Armenia are seriously impeding the intensive consultations on Nagorny Karabakh that are currently taking place with all the parties concerned within the framework of the Minsk Group of the Conference on Security and Cooperation in Europe, which should culminate in a definitive cessation of military operations and the return of hundreds of thousands of refugees to their homes.

Thus, Armenia, which has always boasted about the antiquity of its civilization, is openly demonstrating a policy towards the occupied Azerbaijani territories that is anything but civilized, a policy that verges on barbarism and wanton destruction.

(Signed) H. HASSANOV

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1994/618
25 May 1994

ORIGINAL: ENGLISH

LETTER DATED 25 MAY 1994 FROM THE DEPUTY PERMANENT REPRESENTATIVE OF NIGERIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On behalf of the Federal Republic of Nigeria, I have the honour to request that the Security Council extend an invitation to Mr. Abdul Minty, Director of the World Campaign Against Military and Nuclear Collaboration with South Africa, under rule 39 of its provisional rules of procedure in the course of the Council's consideration of the Question of South Africa.

(Signed) Isaac E. AYEWAH
Deputy Permanent Representative

94-22832 (E) 250594

UNITED
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General Assembly
Security Council

Distr.
GENERAL

A/49/167
S/1994/619
25 May 1994
ENGLISH
ORIGINAL: FRENCH

GENERAL ASSEMBLY
Forty-ninth session
Item 72 of the preliminary list*
MAINTENANCE OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Forty-ninth year

Letter dated 25 May 1994 from the Permanent Representative of Cambodia to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a letter dated 25 May 1994 from His Majesty Norodom Sihanouk, King of Cambodia, addressed to you.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under item 72 of the preliminary list, and of the Security Council.

(Signed) SISOWATH Sirirath
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

* A/49/50/Rev.1.

Annex

Letter dated 25 May 1994 from His Royal Highness Norodom Sihanouk addressed to the Secretary-General

I should like to express my sincere thanks for your kind reply to my letter concerning the alarming deterioration of the overall situation in Cambodia.

From 27 to 30 May 1994, at Chhang Sou On (my residence near Pyongyang), I shall preside over an inter-Cambodian round table in which His Excellency Chea Sim, President of the National Assembly of Cambodia, His Royal Highness Norodom Ranariddh, First Prime Minister of the Royal Government of Cambodia, His Excellency Hun Sen, Second Prime Minister of the Royal Government of Cambodia, and Mr. Khieu Samphan, head of the Party of Democratic Kampuchea, will take part.

Unfortunately, Cambodia is divided into two parts, one composed of Government zones and the other of autonomous Khmer Rouge zones. It seems, alas, that there is as yet no solution that would put an end to this fatal de facto partition of Cambodia. However, I must obtain from the Khmer leaders of the two belligerent parties an unconditional and lasting cease-fire throughout the territory of Cambodia.

While the Cambodian Government is prepared to agree to a cease-fire, the Khmer Rouge have remained silent on this matter.

Since the Khmer Rouge are not implementing the Paris Peace Agreements of 23 October 1991, it would be useless to hold another meeting in Paris or Jakarta.

Unfortunately, no one can make the Khmer Rouge do what they refuse to do.

This is a problem which, in the long term, threatens the very existence of Cambodia. I am greatly saddened by it and overcome by despair.

(Signed) Norodom SIHANOUK

UNITED
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Security Council

Distr.
GENERAL

S/1994/620
25 May 1994

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force (S/1994/587 and Corr.1),

Decides:

(a) To call upon the parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1994;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement Security Council resolution 338 (1973).

94-23052 (E) 260594

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/621
26 May 1994
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 25 MAY 1994 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I should like to inform you that the Iraqi authorities concerned have noted in recent times that the Iranian regime is dispatching military patrols to provoke Iraqi commercial vessels and to seize and harass fishing boats in the Shatt al-Arab (see my letters of 12 and 21 April 1994). Such actions are incompatible with the cease-fire agreement and the agreement reached at the meeting of the Joint Military Commission held at Tehran on 6 January 1991.

In informing you of the breach of the aforesaid agreements by the Iranian side, the Government of the Republic of Iraq lodges a strong protest against such acts of aggression and urges you to take far-reaching measures and to intervene to bring pressure to bear on the Iranian regime to desist from dispatching these patrols. Such actions are not in keeping with Iraq's worthy intentions and its sincere desire to improve and develop relations between the two countries so as to promote the establishment of security and stability in the region.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

94-23094 (E) 270594 270594

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1994/622
25 May 1994

ORIGINAL: ENGLISH

LETTER DATED 25 MAY 1994 FROM THE PERMANENT REPRESENTATIVE OF GHANA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour, upon instructions, to forward herewith a copy of a statement the Government of Ghana found it necessary to issue in the wake of the latest accusation by the Government of Togo of the involvement of the Government of Ghana in a reported bombing of a restaurant at Lomé on 3 May 1994.

I should be grateful if you would kindly circulate the statement as a document of the Security Council.

(Signed) George O. LAMPTEY
Ambassador
Permanent Representative

Annex

Government statement on Ghana-Togo relations
Friday, 6 May 1994

The Ministry of Foreign Affairs is once again concerned about Ghana's relations with its neighbour, Togo, because of recent events in that country. True to its tradition, the Government of Togo has begun a campaign of baseless accusations against Ghana in the face of a crisis that is uniquely the product of Togo's current domestic situation.

On 1 May 1994, the Togolese Foreign Minister summoned Ghana's Chargé d'affaires in Lomé to the Togolese Foreign Ministry at 1930 hours to inform him that his Government was in possession of information that a named Togolese refugee resident in Ghana was using other Togolese youths to carry grenades and other bombs into Togo from Ghana for use in crowded restaurants, bars and nightclubs normally frequented by Europeans. According to the Togolese Foreign Minister, the couriers had succeeded in smuggling the items into Togo by constantly outwitting both Ghanaian and Togolese security officials deployed at the border. He therefore appealed to the Government of Ghana to restrain the named refugee and also assist in putting an end to such activities. No specific evidence of the alleged activity of the individual was furnished to the Chargé d'affaires.

Even before the Government of Ghana could investigate the allegation and contrary to the sensible position he took at the first meeting that he was not laying any blame on Ghana, the Togolese Foreign Minister again summoned the Chargé d'affaires to the Foreign Ministry at 0700 hours on 4 May to lodge a verbal protest against Ghana about a bomb that had allegedly gone off in a restaurant in Lomé the previous day, 3 May 1994, wounding five French nationals and one national of Benin. The Minister claimed that the Government of Ghana had done nothing, as earlier requested, to restrain the said Togolese refugee; forgetting that at his first meeting with the Chargé he had conceded that bombs had already found their way into Togo in circumstances in which Ghana could not be blamed. The Foreign Minister also threatened the anger of France and other foreign Governments against Ghana.

In view of the gravity of the accusation and the irrational and incomprehensible tradition of the Government of Togo of vilifying Ghana whenever convenient to distract attention from the consequences of its policies, the Minister of Foreign Affairs, Dr. Obed Y. Asamoah, held meetings today, Friday, 6 May 1994, with the Chargés d'affaires of Togo and France, respectively, to reject categorically the protest of the Government of Togo and to warn the Government of Togo against making Ghana the scapegoat for its follies.

The Government of Ghana wishes to make it absolutely clear that it is unable to accept responsibility either for the presence of bombs in Togo or the reported explosion on 3 May 1994, because it has no obligation for security in Togo. Furthermore, it deems it illogical for the Government of Togo to hold Ghana responsible for the particular explosion when the Togolese Foreign Minister himself was the first to admit to the Chargé d'affaires of Ghana, on

1 May 1994, that it was by systematically outwitting the security officials of both Ghana and Togo that the bombs were being smuggled into Togo by Togolese youths.

As the Government of Togo claimed it had evidence about the transportation of bombs across the border, it was in a better position to know the identity of the persons transporting them and of the persons to whom they were being delivered. It was therefore within its power to arrest the persons concerned. Moreover, as the Government of Togo knows of the targets for which the bombs were meant, that is, restaurants, bars and nightclubs frequented by Europeans, the least it could have done would have been to secure them against attack. There cannot be very many places frequented by Europeans. Its failure to do so suggests a cynical and sinister plot to smear the good name of Ghana. This is totally irresponsible and unacceptable.

It is also worth recalling that for several months now the Government of Togo has kept its border with Ghana closed despite repeated appeals to it to respect the obligation that it bears under the system of the Economic Community of West African States (ECOWAS) to keep it open. In the circumstances, the Government of Togo alone must assume full responsibility for its domestic security.

The present behaviour of the Government of Togo predictably follows its traditional habit of whipping up public animosity against Ghana whenever it faces domestic difficulties so as to divert the attention of the Togolese people and the international community from its foibles; particularly its failure to embrace the democratic culture in all its ramifications. Once again, therefore, the Government of Ghana would like to advise the Government of Togo to look within its own borders for solutions to the grave political and socio-economic problems of its own making. We are tired of the ritual accusations against Ghana.

The Government of Ghana wishes to reiterate its determination to continue to adhere strictly to international law and the principle of good-neighbourliness in its relations with Togo. It hopes that the Government of Togo can also reciprocate this gesture so that our peoples may live in peace and harmony.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1994/623
26 May 1994

ORIGINAL: ENGLISH

LETTER DATED 26 MAY 1994 FROM THE DEPUTY PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit a letter addressed to you by my President, Mr. Alija Izetbegovic.

May I ask for your kind assistance in circulating the present letter and its annex as a document of the Security Council.

(Signed) Ivan Z. MISIC
Ambassador and
Deputy Permanent Representative

Annex

Letter dated 26 May 1994 from the President of the Republic of Bosnia and Herzegovina to the President of the Security Council

This morning at dawn, Serb forces have resumed an all-out attack against the safe area of Bihac, which has been under siege since the beginning of the aggression against the Republic of Bosnia and Herzegovina. Our defence forces are resisting, yet the situation is very difficult.

We ask you to take all necessary measures in order to protect the safe area of Bihac in accordance with relevant Security Council resolutions. The situation is dire and calls for immediate action.

(Signed) Alija IZETBEGOVIC
President

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1994/624
26 May 1994

ORIGINAL: ENGLISH

LETTER DATED 26 MAY 1994 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In accordance with instructions from my Government, I submit herewith a letter, dated 17 May 1994, from Mr. Bozo Marendic, my Government's head of delegation to the Working Group on Succession Issues of the International Conference on the Former Yugoslavia in Geneva, addressed to Lord David Owen and Mr. Thorvald Stoltenberg, the Co-Chairmen of the International Conference, and a statement by the Croatian delegation at that Working Group.

Mr. Marendic states that the Croatian Government is dissatisfied with the course of the succession process which has been virtually "paralysed" and "the basic reason for the current state of affairs is the refusal by the representatives of Serbia and Montenegro (Federal Republic of Yugoslavia) to cooperate, as exemplified by their reservations about the whole work done so far on the inventory of assets and liabilities and insistence on their own notions about the succession procedure, which contradict the principles of international law, internal law and the real relationships in the former Yugoslavia".

My Government shall continue to keep the members of the Security Council informed regarding the recent developments in the peace process with respect to the Republic of Croatia, as it has already done in its letter of 4 May 1994 (S/1994/535) regarding the lack of progress by the Knin authorities in implementing the Zagreb cease-fire agreement of 29 March 1994; its letter of 16 May 1994 (S/1994/578) regarding the tragic development in Daruvar, United Nations protected area (UNPA) sector West, where five civilians were summarily executed by Serbian extremists; and its letter of 19 May 1994 (S/1994/595) regarding the recently outlined plans of the Serb authorities in Knin to integrate the occupied territory in the Republic of Croatia (UNPAs) into the legal system of the "Federal Republic of Yugoslavia (Serbia and Montenegro)."

May I request your assistance in circulating this letter and its attachment as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative

Annex

Letter dated 17 May 1994 from the head of the delegation of the Republic of Croatia to the Working Group on Succession Issues of the International Conference on the Former Yugoslavia addressed to the Co-Chairmen of the International Conference

We regret being forced to reiterate our dissatisfaction with the course of the succession process, as expressed in the attached statement, which contains our assessment of the reasons behind the stalemate and our ideas of how to conduct the succession process in order to overcome the problems that have virtually paralysed the work of the Working Group on Succession Issues.

The basic reason for the current state of affairs is the refusal by the representatives of Serbia and Montenegro (Federal Republic of Yugoslavia) to cooperate, as exemplified by their reservations about the whole work done so far on the inventory of assets and liabilities and insistence on their own notions about the succession procedure, which contradict the principles of international law, internal law and the real relationships in the former Yugoslavia. They also refuse to recognize the Arbitration Commission of the Conference and its opinions which are largely in line with the more or less common positions of the other four successor States. It is obvious that the Yugoslav delegation does not want to carry out the succession or, forced as it is to discuss the issue, it comes up with views designed to protract the process to its advantage, because the bulk of the joint property is held by the Federal Republic of Yugoslavia.

Another important reason for the impasse is the insistence by the leadership of the Working Group on a consensus among the negotiating parties, thus giving a chance to the Yugoslav delegation to elaborate endlessly on its ideas about succession, which the other four delegations have repeatedly turned down as legally unfounded and unacceptable. What it all amounts to is a waste of time and an indefinite prolongation of the process, with serious doubts about the final outcome.

The recent announcement by Ambassador Jonsson that the leadership of the Working Group would play a more responsible role in conducting the succession affairs may speed up the process. We believe, however, that it is only the application of the principles of international law that can yield just results and that the international community should bring pressure to bear on the Federal Republic of Yugoslavia. We also believe that, given the present circumstances, any alleviation of economic sanctions imposed on the Federal Republic of Yugoslavia must be made dependent on the results achieved in the succession process.

Judging by the said initiative by Ambassador Jonsson, priority should be given to financial obligations, whereas other problems can be dealt with in global terms. Considering the present state of affairs and the problems of the newly created States in the area of the former Yugoslavia, it would be very useful in this connection also to give priority to the division of the frozen foreign currency reserves and the embassies, consulates and other property

abroad still held and used exclusively by the Federal Republic of Yugoslavia with no justification at all.

We hope that our attached statement and the present letter will help to accelerate the succession process and reach a just settlement.

For the delegation of the Republic of Croatia

Božo MARENDIĆ

Enclosure

Statement to the Working Group on Succession Issues of the International Conference on the Former Yugoslavia by the delegation of Croatia

The Federal Republic of Yugoslavia (Serbia and Montenegro) holds, without valid legal title, most of the federal property of the former Socialist Federal Republic of Yugoslavia and especially:

(a) Virtually all premises of the diplomatic and consular missions abroad, residences and apartments of heads of missions and other staff, along with the movable property;

(b) All assets of the former National Bank of Yugoslavia, including its monetary gold and hard currency reserves;

(c) Most of the arms and ammunition of the former Yugoslav People's Army;

(d) Joint property of former associations of enterprises in key infrastructure, transportation and communications, such as the Yugoslav Electric Power Industry, the Yugoslav Railways, the Yugoslav Post and Telecommunications, etc.;

(e) All the archives of the former Federation, with many documents not belonging to the State Archives.

Furthermore, most of the premises of the former Federal institutions and agencies are situated on the territory of the Federal Republic of Yugoslavia.

Sanctions under Chapter VII of the Charter of the United Nations were imposed on the Federal Republic of Yugoslavia by Security Council resolution 757 (1992) of 30 May 1992 mainly because of its involvement in the war in Bosnia and Herzegovina and Croatia. Yet only a fraction of the National Bank of Yugoslavia deposits in foreign banks has been frozen pursuant to that resolution. There is in practice no way of preventing the Federal Republic of Yugoslavia from spending the monetary gold and hard currency reserves for military purposes to assist the so-called Serbian Republic in Bosnia-Herzegovina and the Serbian Republic of Kraina in Croatia. Other successor States, however, have no control over or evidence of the fate of these assets.

The use of military assets of the former Socialist Federal Republic of Yugoslavia creates most serious problems. Since the fall of the Federal Army on 15 May 1991 under the actual control of the members of the former Federal Presidency from Serbia and Montenegro, that vast army, with all its weaponry, has been used in the aggression against democratically elected Governments: first in Slovenia (26 June 1991); then in Croatia (mid-August 1991); and finally in Bosnia and Herzegovina (since 7 April 1992). Following cease-fire agreements, most of that weaponry was transferred first from Slovenia to Croatia, then from Croatia to Bosnia and Herzegovina, and since the beginning of 1992 from Macedonia to Kosovo. These arms, including military aircraft, tanks

and heavy artillery, are now for the most part - without any legal title - in the possession of the armed forces of the so-called Serbian Republic of Kraina in Croatia and the Serbian Republic in Bosnia-Herzegovina. The siege of Sarajevo and other towns over the past 24 months was laid by means of these arms. Enormous civilian casualties and mass destruction of property were inflicted as a result of that. The three Serbian aircraft recently shot down by the North Atlantic Treaty Organization (NATO) forces in Bosnia-Herzegovina had been stationed in the Udbina airfield (occupied part of Croatia), which proves that even the militia in the Serbian Republic of Kraina has all sorts of weaponry received from the former Federal Army.

Financed and produced by contributions of citizens from all republics and autonomous provinces of the former Socialist Federal Republic of Yugoslavia, these arms are now used for killing and terrorizing mainly the non-Serbian population in the successor States, including the Federal Republic of Yugoslavia. The Federal Republic of Yugoslavia is not ready to negotiate seriously even the apportionment of the archives of the former Federation on the basis of principles and rules set forth in part III of the 1983 Vienna Convention on Succession of States in respect of State Property, Archives and Debts (hereinafter "the 1983 Vienna Convention"). The Federal Republic of Yugoslavia even denies free access of other successor States to these archives, including those documents that are necessary for the process of State succession. When recently proposing to the Working Group on Succession Issues its preliminary inventory, the Federal Republic of Yugoslavia stated that it was "based on original documentation".

However, when the National Archives of Slovenia asked for some copies of documents from the Federal Archives in Belgrade, it was refused under the pretext that Slovenia is "a foreign State". Slovenian representatives in the Working Group on Succession Issues were advised to reach an ad hoc bilateral agreement with the Federal Republic of Yugoslavia on this and other unresolved issues.

That is how a vicious circle was deliberately created in regard to access to the archives of the former Federation, with the obvious purpose of hindering the process of State succession.

Gravely abusing the joint property of the former Federation for aggressive purposes against the territorial integrity and political independence of other successor States that have by now all become the United Nations Member States, the Federal Republic of Yugoslavia has not shown any readiness to cooperate in order to accomplish peacefully and in good faith the process of State succession of the former Socialist Federal Republic of Yugoslavia.

Since the establishment of the Working Group on Succession issues within the International Conference on the Former Yugoslavia, the main topic of dispute between the successor States on one side and the Federal Republic of Yugoslavia on the other is the State property to which the succession of States applies.

There are some well-established rules of international law in this field, based on long and established practice. State succession does not apply to the property, including rights and obligations, of natural and juridical persons.

Such property is safeguarded by the principle of acquired rights. The same relates to most of the property of the former "associated labour organizations" in the former Federation (see Arbitration Commission, opinion 14, para. 7).

State property of federal units, as well as property of other territorial entities, including communes and towns, is not the subject of succession either.

In case of the former Socialist Federal Republic of Yugoslavia, the succession of States applies only to the former State property owned by the Federation on the date(s) of succession of States for each successor State, according to federal laws in force at the time (1983 Vienna Convention, art. 8). Accordingly, the Arbitration Commission of the International Conference on the Former Yugoslavia stated in its opinion No. 14 of 13 August 1993: "The origin or initial financing of the property and any loans or contributions made in respect of it have no bearing on the matter."

The governing principle of the succession of States, which directly departs from the principle of sovereign equality of all States as contained in Article 2(1) of the Charter of the United Nations, is that of the equality of rights and duties between States in respect of international law (Arbitration Commission, opinion 9).

Whether or not a State claims to keep identity and continuity with the predecessor State, it has to respect the principle of equality of rights and duties, i.e., of assets and liabilities, of property and debts, in relation to all other States involved in the succession process. By virtue of this fundamental principle, the 1983 Vienna Convention sets forth basically the same rules on State succession in respect of State property, archives and debts in case of separation of parts of the territory of the predecessor State on one hand (arts. 17, 30 and 40) and in case of its dissolution on the other (arts. 18, 31 and 41).

The facts that the former Socialist Federal Republic of Yugoslavia has been dissolved and that it no longer exists; that the Federal Republic of Yugoslavia is a new State; and that none of the successor States, including the Federal Republic of Yugoslavia, can claim to be the sole continuing State of it were confirmed by opinions Nos. 8, 9 and 10 of the Arbitration Commission.

All these facts were further confirmed by Security Council resolutions 757 (1992) of 30 May 1992 and 777 (1992) of 19 September 1992, as well as by General Assembly resolution 47/1. They were also confirmed by decisions and the unanimous practice of most international organizations and institutions, including the specialized agencies of the United Nations. This means that the principles enshrined in articles 18, 31 and 41 of the 1983 Vienna Convention are relevant in case of succession of the former Socialist Federal Republic of Yugoslavia.

The Government of the Federal Republic of Yugoslavia is acting in serious breach of the aforementioned principle of equality of rights and duties between States in respect of international law, when asserting in its memorandum of 7 March 1994, inter alia, the following:

> "Although its position on international legal continuity is firmly legally based [sic], the Federal Republic of Yugoslavia agreed, as an act of good will and proceeding from the principle of equity, to renounce part of the Socialist Federal Republic of Yugoslavia's property in favour of the successor States ..." 1/

The above leaves no doubt that the Federal Republic of Yugoslavia considers itself, on no legal grounds whatsoever, not only as the continuing State of the Socialist Federal Republic of Yugoslavia but also as the sole owner of all the property of the former Federation. It does not recognize any legal rights or interests of the four other successor States in the process of State succession. Nevertheless, it agrees to grant them, ex gratia, as an act of good will, a fraction of that property, but on its own terms.

Its condition for a successful outcome of the negotiations is that the other successor States agree upon its own concept of State property of the former Federation. This concept is described in the same memorandum of 7 March 1994:

> "... the Government of the Federal Republic of Yugoslavia is of the opinion that State property consists of all movable and immovable property and financial claims of enormous value generated in a non-commercial manner since the establishment of the Yugoslav State, by joint collection and allocation of resources on the basis of Yugoslav State authorities' decisions, regardless of who is using these values today, and in which part of the former Socialist Federal Republic of Yugoslavia they are situated ..." 2/

The above implies that all former investments from federal budget and funds, which were largely made in the former associated labour organizations in the field of production, have created debts of these other successor States in which these organizations are now situated. And the Federal Republic of Yugoslavia, as the allegedly continuing State of the Socialist Federal Republic of Yugoslavia, considers itself as the main, if not the sole creditor.

Such an approach is first of all unsound in itself. It does not take into account the repayments of credits by former associated labour organizations raised from federal funds. It does not respect the amortization of values invested, or the present-day value of enterprises, beneficiaries of these credits or gifts, which depend primarily on their present profitability. If such an approach is admissible, which it definitely is not, the verification of all documents would take more than three years of intense work. A great amount of crucial documentation related to the enterprises was destroyed in the Serbian aggression against Bosnia and Herzegovina and Croatia.

Prompted by Ambassador Alf Jonsson, current president of the Working Group on Succession Issues, the Federal Republic of Yugoslavia has already produced a preliminary inventory with over 2,500 identified items on the foregoing basis. Only three of them relate to the property of the former Federal Army, the value of which is assessed by impartial consultants engaged by the European Community at about 60 billion United States dollars. This preliminary inventory does not

include any other items that were parts of the State property of the former Federation.

The point at stake, therefore, is not the State property of the former Federation to which the succession of States applies. This insistence on the definition of State property has as its sole purpose the obstruction of the process of negotiations. Never in history has such an approach been workable. The object of apportionment was and will remain so in the future the State property of the predecessor State such as existed on the date of the succession of States.

A possible approach designed to overcome this impasse in negotiations would be a proposal by a third party on the key to be applied in defining the proportions for apportionment of all assets of the former Federation between its successor States. When discussing the proportions for equitable division, the principle of equality of rights and duties requires that apportioned in the same ratio should be various kinds of what really was the State property of the former Socialist Federal Republic of Yugoslavia on one hand, and its non-allocated general debts on the other. That would prevent some successor States from expecting an excessive share in common property, expecting that somebody else will repay joint debts.

As principal victims of the aggression by the former Federal Army controlled by Serbia and Montenegro, Croatia and Bosnia and Herzegovina cannot agree to an overall settlement that would not take into account the reparations of war damages inflicted on them and their population. Therefore, the obstinate postponement of even tackling the problem of war damages in order to reach a consensus on the issues of State succession is a serious obstacle to efforts to agree on a general approach to the matter.

The future of the heavy weaponry with the former Federal Army may be a subject of special arrangements. But of the utmost importance is its seizure from the Federal Republic of Yugoslavia and the Serbian forces in Bosnia and Herzegovina, Croatia and Kosovo. There is no other way to prevent further killings, mutilations and terrorizing of civilian population or further destruction of property, which is subject to reparation under international law.

For almost two years the Federal Republic of Yugoslavia has participated with other successor States in drafting the "Single inventory of assets and liabilities of the Socialist Federal Republic of Yugoslavia as at 31 December 1990", within the working groups on economic and succession issues of the International Conference. Although keeping its general reservation about the appropriateness of the work in the groups, like other successor States, it did not hesitate to submit reservations to the claims raised by other successor States, which it had really done. Other successor States have cooperated with it in good faith, constantly seeking solutions that would respect legal rights of all, including the rights of the Federal Republic of Yugoslavia.

The Federal Republic of Yugoslavia is by its former conduct estopped now to insist on its quite new and alternative "preliminary inventory", as a basis for all further negotiations. Nobody is entitled to encourage it to do so in the name of the International Conference on the Former Yugoslavia.

If the Federal Republic of Yugoslavia continues to hinder the negotiating process of State succession of the former Socialist Federal Republic of Yugoslavia, opinion No. 12 of the Arbitration Commission sets forth some universally agreed rules of international law.

The Federal Republic of Yugoslavia has proved its non-cooperation in many instances. As such, it is already in breach of its obligation from the fundamental rule in the process of State succession, to achieve an equitable result by negotiations and agreement, apart from other reasons for which the sanctions were imposed on it by the United Nations Security Council under Chapter VII of the Charter.

Cooperative successor States which, since the time they gained international recognition have sustained heavy losses, are entitled to take non-forceable counter-measures against the Federal Republic of Yugoslavia in accordance with international law. They are furthermore entitled to reach through an agreement among themselves a comprehensive equitable settlement, reserving the legal rights of the Federal Republic of Yugoslavia.

Although their agreement will be res inter alios acta in relation to the third States, the third States will be under legal obligation not to dispose of the State property of the former Socialist Federal Republic of Yugoslavia in a manner other than that provided in such an agreement. Furthermore, third States will not be entitled to treat the Federal Republic of Yugoslavia as a legitimate owner of the property that it keeps in illegal possession.

Finally, the process of succession of States, especially in respect of State property and debts involves sensitive material rights and interests of all successor States. These relations are very much like commercial creditor-debtor relations. The duty to repay a debt, or the duty of restitution of somebody else's property, does not depend on the good will of the party holding it. These relations cannot be settled by insisting on a consensus, cooperation and good will of all parties in the process of State succession at any price.

Whoever encourages the Federal Republic of Yugoslavia to go ahead with the preparation of its inventory on the aforesaid basis, protracts the war, human suffering and material damage on the soil of the former Yugoslavia.

From all the above it results that the succession of States applies only to property, rights and interests that were owned by the former Yugoslav Federation at the specific dates of succession of States for each successor State, according to federal laws in force at those dates.

Gifts and credits from central funds, invested in natural and juridical persons under Yugoslav laws, were not property, rights and interests, of the former Federation unless based on contracts valid at the respective date of succession of States, and unless the party of these contracts was the Federation itself as a juridical person.

For further definition of State property of the former Socialist Federal Republic of Yugoslavia, article 8 of the 1983 Vienna Convention and all respective opinions of the Arbitration Commission, especially its opinion No. 14, should apply.

Furthermore, respect of the fundamental legal principle of equality of rights and duties of all States in respect of international law requires that various kinds of State property of the former Socialist Federal Republic of Yugoslavia on the one hand, and its non-allocated general debts on the other, should be apportioned in the same ratio. All allocated or localized foreign debts should go to the successor State on whose territory they were invested.

Notes

1/ This statement is elaborated in more detail in an interview by the head of the delegation of the Federal Republic of Yugoslavia, Academician Kosta Mihajilović, published in the Belgrade daily Politika on 17 March 1994, p. 7:

> "The difference between succession and continuity is tremendous, with far-reaching consequences on the mode of final settlement of accounts. As a predecessor State, which keeps continuity, Yugoslavia has agreed to set apart a fraction of its property, which it yields to newly established successor States according to the principle of equity. At this stage, when the question of (dis)continuity is still unresolved, this can be considered as an act of good will. In case the view that the Socialist Federal Republic of Yugoslavia has dissolved be adopted as a starting-point, then the Federal Republic of Yugoslavia (Serbia and Montenegro) shall be considered but one of the successor States. Quite a number of people, even experts, do not observe this difference but maintain that Yugoslavia could at the same time be a predecessor State and a successor State."

Such a conclusion shows utter disregard for the basic principle of equality of rights and duties of all parties in the process of State succession.

2/ Along the same lines is the definition of State property of the Socialist Federal Republic of Yugoslavia in article 2 of the draft agreement on succession between the Federal Republic of Yugoslavia and the Successor States proposed on 4 May 1993:

> "1. State property of the Socialist Federal Republic of Yugoslavia means the property, rights and interests of the federal institutions, property of institutions of the federal units and those parts of the so-called 'social property' which have in their totality or in part been created by or financed from the federal budget and other federal funds or from those of two or more federal units ...
>
> "3. The net value of the State property of the Socialist Federal Republic of Yugoslavia shall be determined on the basis of subsuming to permanent prices of 31 December 1990 ..."

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LETTER DATED 25 MAY 1994 FROM THE PERMANENT REPRESENTATIVE OF JAPAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have tne honour to transmit herewith the text of an announcement of 25 May 1994 by the Ministry of Foreign Affairs of Japan on the further steps taken by Japan to implement sanctions against Haiti in accordance with United Nations Security Council resolution 917 (1994) adopted on 6 May 1994.

I should be grateful if you could arrange to have the text circulated as a document of the Security Council.

(Signed) Hisashi OWADA
Permanent Representative

Annex

Further steps to implement sanctions against Haiti

Regarding United Nations Security Council resolution 917 (1994) adopted on 6 May 1994 providing for sanctions against Haiti, the Government of Japan decided on 20 May to implement those measures which the Council strongly urged be taken, in addition to those which the Council itself decided to take. This decision is based on the Government's view that Japan should respond positively to the resolution by taking appropriate measures to prohibit investment in Haiti or the provision of any financial resources that could benefit the Haitian military authorities.

The Government of Japan has already taken steps to put into effect the measures decided by the Council, such as the ban on non-scheduled air transportation to and from Haiti and the prevention of the entry into its territory of Haitian military authorities. The Government of Japan will adopt further measures as necessary in order to comply with the provisions imposing the trade embargo against Haiti, which is to take effect at 2359 hours United States eastern standard time on 21 May (1259 hours on 22 May, Japan time), as contained in the resolution.

The Government of Japan strongly hopes that the Haitian military authorities, in response to this resolution, will immediately take the necessary steps to restore the rule of democratic order in Haiti.